

CONFIRMATION OF DR. EDDIE F. BROWN

HEARING BEFORE THE SELECT COMMITTEE ON INDIAN AFFAIRS UNITED STATES SENATE ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

CONFIRMATION OF DR. EDDIE F. BROWN, THE PRESIDENT'S
NOMINEE FOR ASSISTANT SECRETARY, INDIAN AFFAIRS,
DEPARTMENT OF THE INTERIOR

JUNE 20, 1989
WASHINGTON, DC



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CONFIRMATION OF DR. EDDIE F. BROWN

TUESDAY, JUNE 20, 1989

U.S. SENATE,
SELECT COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 11:05 a.m. in room 485, Russell Senate Office Building, Hon. Daniel K. Inouye (chairman of the committee) presiding.

Present: Senators Inouye, McCain, DeConcini, Gorton, Cochran, and Reid.

Staff present: Alan Parker, Patricia Zell, Eric Eberhard, and Daniel Lewis.

STATEMENT OF HON. JOHN McCAIN, U.S. SENATOR FROM ARIZONA, VICE CHAIRMAN, SELECT COMMITTEE ON INDIAN AFFAIRS

Senator McCAIN [acting Chair]. Good morning. I'd like to announce that Chairman Inouye will be here very soon. He is at an important meeting down at the White House. I hope he's there getting a lot of money for some of our programs that our star witness will be seeking today. I'm not sure if that's what it is, but he will be here later on, to describe his support for the nominee we will hear from today.

I want to welcome all of you to the confirmation hearing of the Senate Select Committee on Indian Affairs on the nomination of Dr. Eddie Brown of Arizona, to be Assistant Secretary of Indian Affairs for the Department of Interior.

The Assistant Secretary for Indian Affairs is the highest ranking Indian Affairs position in the executive branch. Dr. Brown will be responsible for providing the Secretary of Interior and the President of the United States with policy recommendations and expertise in fulfilling the administration's responsibilities to the Indian nations, tribes, bands, and groups. This is a very serious responsibility and Dr. Brown's term of office comes at a time when there are significant challenges and great opportunities in the field of Indian Affairs.

I would at this time like to have the first witness, and that's my good friend and colleague Senator DeConcini. Also my friend the Honorable John J. Rhodes, Representative from the State of Arizona, First District.

Mr. RHODES. Senator, would you like me to proceed?

Senator McCAIN. I would, Jay.

I think it is appropriate to mention that the Interior Committee in the House of Representatives does not have a subcommittee on Indian Affairs. Congressman Rhodes is responsible for the Indian

legislation for Republicans on the Interior Committee, and Congressman Morris Udall, as overall chairman of the committee, handles Indian issues for the majority.

We are particularly pleased to have you here today. And if you don't mind, I'd like to extend the courtesy to Senator DeConcini to begin with his statement.

[Opening statements of Senator Inouye and Senator McCain appear in appendix:]

Senator DECONCINI. Mr. Chairman, let me yield to our good friend from Arizona, having come over from the House, just to show him how much respect we do have for our House colleagues.

[Laughter.]

Senator MCCAIN. It's not very often we show them that. I speak from experience.

Mr. RHODES. Well, I appreciate your showing me your consideration.

STATEMENT OF HON. JOHN J. RHODES III, U.S. REPRESENTATIVE FROM OF ARIZONA

Mr. RHODES. For the record, Mr. Chairman, I will submit my formal statement and just simply say that it's a great pleasure for me to be here in support of the confirmation of Dr. Eddie Brown for the position of Assistant Secretary for Indian Affairs.

I have great confidence in his ability to perform these tasks. Dr. Brown has been with the Department in the Bureau of Indian Affairs before, and most recently has headed up— with great success—the largest administrative agency in the State of Arizona, the Department of Economic Security. Because many of his clients were in fact Indians, both on reservation and off reservation, that has broadened his experience in working with the Bureau of Indian Affairs and working with Indian needs.

Dr. Brown is not only very knowledgeable about the needs of our Indians, but he's also very sympathetic to the aspirations of these citizens who aspire to nothing more than the rest of us, which is the opportunity for economic advancement, for adequate health care, for adequate education for their children, for the chance to live the American dream. And these are aspirations toward which I know the three of us and many of our colleagues are very sympathetic, and wish to assist in seeing that they're met. Dr. Brown shares our concerns in seeing to it that our fellow citizens can achieve those goals and those desires.

I think he is going to be an outstanding Assistant Secretary, and I'm very, very pleased to be here with you to assist in his confirmation process. I appreciate the opportunity to appear, and thank you, Senator DeConcini, for your courtesies.

[Prepared statement of Congressman Rhodes appears in appendix.]

Senator MCCAIN. Thank you, Congressman Rhodes, and thank you again for your continued efforts as chairman of the Republican Task Force on Indian Affairs.

Senator DeConcini.

STATEMENT OF HON. DENNIS DeCONCINI, U.S. SENATOR FROM
ARIZONA

Senator DeCONCINI. Chairman McCain, let me thank you for these hearings and apologize that I have to leave. I'm chairing hearings in the Judiciary Committee.

It's an honor to be here with you, along with Congressman Rhodes, in support of Eddie Brown's nomination to be the Assistant Secretary of Indian Affairs.

The State of Arizona is very proud to have such an outstanding young man nominated to be the Assistant Secretary for Indian Affairs, a job that I think is, after the experience that you and I and Senator Daschle have just gone through, probably the toughest job in Government, bar none.

Dr. Brown is highly respected for his many years of work in human services. He was the first native American to serve in the highest capacity of State government in our State of Arizona. He administered a State agency that has an annual budget of over \$1 billion, and he did really an outstanding job that got some national recognition for his administrative skills and his innovativeness.

The Arizona Department of Economic Security was honored for his work here in the social service programs during his tenure as the director. He has really served our State and set an example for other States' directors. He has served the Indian tribes with his human services policy and programs expertise. In the middle of the 1970's, when he was an associate professor at the Arizona State University, he helped the Arizona Indian tribes to develop their social service programs as well. Dr. Brown has worked with a wide range of human service programs at the State level. His experience is crucial to the new job at the BIA, where he will be responsible for education, job training, social service, and management of tribal trust resources. He understands how important it is to the native American people for the Federal Government to fulfill that trust responsibility.

His fine credentials will serve him well as he takes over one of the toughest, toughest jobs in the Federal Government, in my opinion. He has the confidence of the native American people, I believe, having talked to many leaders. And Mr. Chairman, to me that is critical to addressing the many problems which he must tackle at the Bureau of Indian Affairs. I commend him for his commitment and I wish him every success, and I know that you and I will help him in any way we can to achieve some kind of direction in the Bureau of Indian Affairs and some kind of change in that trust responsibility that, hopefully, this Senate will bestow upon him.

Thank you, Chairman McCain.

Senator McCain. Thank you, Senator DeConcini, and I would like again to thank you publicly for your leadership as chairman of the Special Committee on Investigations that came into being largely at the insistence and effort of Senator Inouye, the chairman of the select committee. I believe that what we have ascertained in the process of that yearlong committee will serve as a very useful basis on which to begin our relationship with Dr. Brown, and I think that he recognizes that a lot of those areas need to be addressed.

Again, I thank you very much for your outstanding leadership and for the many hours of hard work that you put into that task.

Senator Gorton, did you have anything you would like to say?

Senator GORTON. No opening statement.

Senator McCAIN. Senator Cochran, did you have anything?

Senator COCHRAN. No, thank you, Mr. Chairman.

Senator McCAIN. I thank the witnesses.

Mr. RHODES. Thank you, Mr. Chairman.

Senator DeCONCINI. Thank you.

Senator McCAIN. In a slight departure from the schedule, I'd like to ask the Honorable Arcadio Gastelum, chairman of the Pascua Yaqui Tribe, Tucson, AZ, to appear first.

Please be seated, Mr. Chairman. Thank you for being here. I think it is appropriate to note that Dr. Eddie Brown is a member of the Pascua Yaqui Tribe, and we appreciate your being here before the committee on his behalf this morning. Please proceed.

STATEMENT OF HON. ARCADIO GASTELUM, CHAIRMAN, THE PASCUA YAQUI TRIBE, TUCSON, AZ

Mr. GASTELUM. Thank you, Senator McCain.

I would like to begin my testimony by thanking Senator Inouye for his gracious invitation to me to testify before this respected committee. On behalf of the Pascua Yaqui Tribe, I wish to commend this Senate Select Committee on Indian Affairs, and in particular Senator Inouye and our Arizona Senators Dennis DeConcini and you, John McCain, for your efforts to extend justice and promote opportunities for all Indian people. While we may not be in agreement on every issue, we are certainly in agreement on the principles which this committee upholds. Thank you for your continuing advocacy and assistance.

Chairman Inouye, members of the Senate Select Committee on Indian Affairs, and other distinguished guests, as chairman of the Pascua Yaqui Tribe I am honored and proud to have the opportunity to appear before you and testify in support of the appointment of Dr. Eddie F. Brown to the position of Assistant Secretary of the Interior for Indian Affairs.

Dr. Brown enjoys the support of the Pascua Yaqui Tribe not only because he is a member of our tribe, but more importantly because he has earned our respect as a fairminded, accomplished administrator who is sensitive to the problems and difficulties that tribal governments face in attempting to provide adequate services to our people.

As director of the Arizona Department of Economic Security he has demonstrated his ability to develop effective intergovernmental relationships between the State of Arizona and tribal organizations. The Child Welfare Intergovernmental Agreement which he championed is a model for other Federal, State, and local government agencies to imitate. This negotiated agreement recognizes the political and legal status of tribal governments and reflects that element of respect and integrity that is the essence of the government-to-government relationship which tribes demand and are striving to establish. The agreement engenders that spirit of cooperation between Indian tribes and the Federal Government that

was envisioned in the Indian Self-Determination Act Amendments that this committee so actively supported.

The Pascua Yaqui Tribe applauds President Bush's nomination for Dr. Eddie Brown for Assistant Secretary of the Interior for Indian Affairs not because we anticipate any favors from our fellow tribal member—in fact, he has never showed us any special treatment in the past. Our approval and support is given because we know that Dr. Eddie Brown is eminently qualified by education and experience for this challenging position.

We know that he is an effective manager who will establish Bureau policies for financial and program information sharing and joint planning processes with the tribes to address our common problems.

We have seen his ability to work with Indian tribes in Arizona demonstrated and we would like to see that perspective brought to the Bureau of Indian Affairs. It is long overdue.

In all honesty I must tell you that while we praise the accomplishments of a fellow Yaqui and urge you to approve the nomination of Dr. Eddie Brown, we also offer our prayers for him as he accepts this tremendous challenge and responsibility.

We are all too aware of the poverty, political instability, and economic stagnation that envelop much of Indian country, and we are all too aware that the financial resources available to meet these needs are wholly inadequate.

Let me illustrate this point with an example from our tribe, the Pascua Yaqui of Arizona. Although we are an indigenous people who have lived in the Sonoran Desert for hundreds of years, we are a newly federally recognized tribe, with barely 10 years since our recognition in 1978. Our early years as a tribal government were politically volatile and disorganized, with many similarities to the early Government of the United States, as we struggled to reach a working consensus and adopt a tribal constitution.

Now we have an approved tribal constitution and our first constitutionally elected tribal council. After a year in office we have achieved a measure of political and administrative stability. Naging lawsuits have been resolved, our tribal court has been reinstated, and political factionalism has been set aside as the tribal council endeavors to work together and with other governmental agencies for the betterment of our Yaqui people. We are developing a capable administration that is guided by established policies and procedures. Our bingo hall, which is operated under a management agreement that is consistent with the Indian Gaming Regulatory Act and approved by the Bureau of Indian Affairs, is scheduled to open next month and we anticipate several new economic development projects in the near future.

We should have cause for optimism, we should be able to see a brighter horizon, but we are being overwhelmed with increasing demands for services and no additional funding to meet these increasing demands.

Since 1980 the population of the reservation has increased from 715 to 3,600 in 1988, an increase of over 500 percent in less than 10 years. The new reservation residents have often been less skilled and less educated than other Yaqui tribal members and this socio-

economic characteristic has been reflected in a disproportionate increase in service demand and tribal program activities.

The tribal court has experienced an increase of over 300 percent in its caseload in the past year and estimates a shortfall of over \$300,000 in necessary funding to adequately discharge its constitutional responsibilities. This financial crisis in our courts was recently addressed in emergency congressional appropriation hearings and we thank you for your concern on this issue.

The Tribal Social Services Program anticipates a shortfall of over \$100,000 through September 30, 1989 just to meet its current obligations. Without additional funding the administrative capacity of the essential program is in dire jeopardy and over 33 percent of the general assistance need of the tribe will go unmet.

The Tribal Health Department needs more than \$100,000 more in funding just to maintain the same service level as in previous years. The tribe is desperately seeking inclusion in any emergency appropriation sought by Indian Health Service this year and the funding problems of this program grow exponentially as we look into the future.

The same sad picture reflects in each of our tribal programs, and is discussed in more detail in my written testimony.

It would be bad enough if this was the only strain on program funding that we were experiencing, but it gets worse. The initial tribal membership roll was established in 1980 and is the basis of the funding levels provided by Federal agencies, in particular, the Bureau of Indian Affairs and the Indian Health Service. Due to the problems associated with adopting a tribal constitution and an enrollment ordinance, no direct lineal descendants have been added to the tribal roll since then.

Today we have approximately 5,024 tribal members but we have over 2,200 enrollment applications from eligible lineal descendants waiting to be added to the rolls. Within a month or so we will increase our tribal population by over 40 percent with no increase in funding this year and no increased funding projected for next year. We are told by the Bureau that they can't seek funding for our projected increase in tribal membership until they are actually on the tribal roll.

Our Tribal Health Maintenance Organization, which has been a very successful demonstration health delivery project, will be short over \$700,000 by our estimates when the tribal roll is expanded. The projected increases for 1990 could go as high as \$3 million. Once again, Indian Health Service indicates that there are no increased funds projected to meet these anticipated needs.

Nor only do these funding shortfalls stifle my tribe's social development, but it also has a negative impact on the tribe's economic development as well. No sooner does an enterprise earn a profit than program directors seek those funds for program needs and the tribal government is hard pressed to say no. The tribe's capacity for a capital formation and the potential for further economic development is stymied and stagnation sets in. Already I have program directors pleading for a share of our bingo enterprise profits to meet their legitimate program needs and we haven't even opened the doors of the bingo hall for business yet.

Our tribe needs over a 40-percent increase in base funding just to remain at the same level of service. With our base funding at approximately \$2.7 million, this means we need an increase of \$1.08 million just to stay even. There is no way that our tribal government can address the social dynamics of our demographics with a static level of funding.

I'm sure we are not the only Indian tribe facing these kinds of problems. The specific details of our situations may be different, but the overall condition is probably the same. And this is the arena that the next Assistant Secretary of the Interior for Indian Affairs must enter, and my prayers go with him.

In conclusion I strongly urge you, the members of the Senate Select Committee on Indian Affairs, to approve the nomination of Dr. Eddie F. Brown for the position of Assistant Secretary of the Interior for Indian Affairs. I urge your approval because Dr. Brown is a man of integrity and honor and he is the most capable person for this position.

I thank you for your consideration and attention. Thank you.

[Prepared statement of Mr. Gastelum appears in appendix.]

The CHAIRMAN [assuming chair]. I thank you very much, Mr. Chairman. Your words will be most seriously considered. Hopefully, the confirmation will happen in a few short days.

Do we have any questions?

[No response.]

The CHAIRMAN. If not, I thank you very much, sir.

Mr. GASTELUM. Thank you, Senator Inouye.

The CHAIRMAN. And now, the moment that we have been waiting for, our new Chief, it is my pleasure to call upon the nominee, the Honorable Dr. Eddie F. Brown, the Assistant Secretary-designate of the Department of the Interior.

Dr. Brown.

STATEMENT OF DR. EDDIE F. BROWN, ASSISTANT SECRETARY, INDIAN AFFAIRS, DESIGNATE, DEPARTMENT OF THE INTERIOR

Mr. BROWN. Mr. Chairman, Mr. Vice Chairman, and members of the committee, I have submitted my written formal statement to be entered into the record and request at this time that I be allowed to review the major sections of my statement.

The CHAIRMAN. All of the prepared statements of all witnesses will be made part of the record. Thank you, sir.

Mr. BROWN. Thank you.

As stated, my name is Eddie Frank Brown and I am an enrolled member of the Pascua Yaqui Tribe. I am the son of Julia Valenzuela, a Yaqui Tohono O'odham who in 1914 at a very young age officially entered into this country with her family in the back of a buckboard wagon drawn by horses in search of an environment free from persecution and discrimination. She was a courageous, self-educated woman who instilled in me a strong sense of ethical values and the importance of working hard for the things that I believe in. Although she is no longer living, I want it to be recorded that I share with her all honors and credit for my being here today.

I greatly appreciate the opportunity to appear before this committee and I am particularly honored to have been asked to serve President Bush and Secretary Lujan in the capacity of Assistant Secretary of the Department of Interior for Indian Affairs.

I am honored to have Senator John McCain, Senator Dennis DeConcini, Representative John Rhodes, and my tribal chairman, Mr. Arcadio Gastelum, speak on my behalf. As a native Arizonan I can think of no greater honor than that which their presence have bestowed upon me here today. I am also thankful for the support of my friends and the prayers of my home community.

Now, I have accepted this nomination with a profound sense of the challenges that lie ahead. Tribal governments are going through a period of dynamic and exciting change. They are developing more control over their resources, engaging in important and successful economic development efforts, and making positive choices in developing programs to address serious needs in their communities. At the same time, the Federal Government is facing critical challenges. The hearings that were held by the Special Committee on Investigations have created a greater national awareness of the human and economic needs on Indian lands. These investigations and hearings have also demonstrated a greater need for more efficient and effective use of Federal, financial, staff, and institutional resources on Indian land.

My nomination must be viewed in the perspective of these changes in tribal governments and the heightened awareness of the challenges which I am accepting.

Because of these changes in challenges, let me briefly state my philosophy and approach in working with tribal governments. It has been stated that there are certain moments in history when change is particularly possible. It is my belief, as well as the belief of many others involved in Indian Affairs, that we are living in one of these moments. But unlike the past, the opportunity for change will not be brought about by a single great hero, or heroine, but will be the work of many people, both Indian and non-Indian, who feel the need for a different approach in working with tribes, and who will join together as we are already doing to create that change.

In this light I believe that an essential role of the Department of the Interior is to actively work with tribal officials and members of Indian communities to support the positive efforts of tribal governments. Too often Indian tribes are discussed in terms of overwhelming needs and failures. Indeed, there are many, many serious problems. However, it is essential to recognize that one of the basic precepts of this administration is that the governments closest to the people are the most responsive to the desires of their citizens. Therefore it follows that improvements of tribal communities and economies can most be successful when they are directed and controlled by tribes themselves.

Let me take just a minute to briefly provide a few specific examples of what I'm talking about. In the area of economic development, many tribes are successfully supporting economic ventures on Indian lands. These range from attracting manufacturing industries to encouraging grocery stores, retail stores, and gas stations. We can point to many tribes such as the White Mountain Apache

Tribe in Arizona that has developed an outstanding ski recreation complex, and a game and fish program that serves as a national model for natural resource management. We can look at the Mississippi Band of Choctaw Indians that has attracted manufacturing industries to tribal lands and has provided employment for tribal members.

In the area of natural resources management a number of tribes with natural resources have developed comprehensive land use and natural resource planning and management systems. An example is the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana. These tribes have established professional capabilities in the areas of wildlife management and land and realty functions.

In the area of human services where there has been many highly publicized cases of child abuse on Indian lands; however, not so apparent are the responses of tribal governments to these troubling problems. In Arizona, for instance, 15 of the 20 tribal governments have enacted mandatory child abuse and neglect reporting laws. A number of these tribes have implemented specialized programs for child protective services. The tribes have also organized a professional level child protective services training academy that is equivalent to the State's child protective services academy. The tribal academy has already trained over 60 tribal social workers, court judges, and law enforcement officers from throughout the west. I am proud to say that as Director of the State Department of Economic Security, I supported these Indian child welfare projects.

Tribal governments, like State and county governments, are continuing to evolve as governments. And like other governments, tribes have faced the challenges of fulfilling their jurisdictional responsibilities and providing services for their citizens. At the same time, tribes have been developing procedures for resource allocation, designing methods for citizen participation and decisionmaking, struggling with changes in their constitutions, and implementing efficient management systems.

In carrying out the Bureau's role in recognizing and supporting these positive efforts of tribal governments, I will be guided by the following principles: First, tribal self-determination. I will fully support the policy of tribal self-determination by supporting and further strengthening the effective and meaningful participation by tribal governments in the planning, conduct, and administration of the Bureau of Indian Affairs programs and services.

Second, government-to-government relationships with Indian tribes. I will develop stronger intergovernmental relationships between the Federal Government and tribal governments. The relationships between the tribes and the Bureau will be based upon intergovernmental communication, mutual accountability in the areas of program operation and Federal financial resources, and joint planning for more effective and efficient utilization of Federal staff and institutional resources on Indian lands. And third, trust responsibility. I will provide leadership for the Department in fulfilling the Federal Government's trust responsibility at the highest degree of fiduciary standards in securing and protecting the rights of Indian tribes and people.

I will also serve as an advocate for tribes in seeking to promote a greater understanding by other Federal agencies of their responsibilities toward Indian tribes. Keeping these positive trends of tribal governments and guiding principles in mind, I will provide leadership in developing clear directions for the Bureau of Indian Affairs.

Now, let me address for a moment what I mean in regard to leadership. It is a fact that the need for leadership is constant, but it is also true that the style of leadership must change to meet the challenges of the times. One of the greatest challenges in leadership today is how to cope with diversity. And one of the greatest needs is for leaders who are able to bring diverse groups and views together around the table and through cooperative approaches identify problems, and jointly develop plans of actions to address those problems which all are committed to work toward.

Therefore, the initial days of my administration will be spent visiting and talking with elected tribal government officials regarding their tribal direction and their recommendations for improving tribal and Federal intergovernmental relationships. In this way we can jointly set the future direction on Indian Affairs for the years ahead. Now, based on my philosophy and approach to working with tribal governments, there are five areas that will receive considerable emphasis under my administration, given the changes in tribal governments and the heightened awareness of human and economic needs on Indian lands. These are: Indian education, economic development, tribal community infrastructure, trust responsibility and natural resources management, and administrative accountability.

In conclusion, I accept the nomination with the full awareness that this is a difficult and challenging time for Indian Affairs. I have strong faith in the ability of tribal leaders to work cooperatively with the Department in developing solutions to these problems. In addition, I admit many conscientious, dedicated and capable Bureau of Indian Affairs employees, both in the Washington, DC area, as well as in the field. My past association with the Bureau has led me to believe that the Bureau of Indian Affairs employees can be most effective in their jobs when they are informed of policy decisions and when an environment is created that enables them to perform their duties. I plan to communicate closely with Bureau employees at all levels, so that we can develop a team spirit and move ahead with a common purpose.

Let me also say at this time, that I'm very encouraged by the leadership in the field of Indian Affairs that has been provided by Chairman Daniel Inouye. Senator Inouye is to be commended for his vigorous dedication to improving Federal policies toward tribes, and for his efforts to educate the American public about the Federal obligation toward Indians. I believe that the nonpartisan approach taken by this committee serves as a model for cooperation in addressing Indian needs. Given my experience in State and Federal Government, I believe that this nonpartisan approach is most effective.

If confirmed by the Senate, I will work closely with President Bush, Secretary Lujan, and the Congress, as well as tribal government officials, to carry forward the commitment to making the ideals of tribal self-government and self-determination a reality.

Thank you.

[Prepared statement of Mr. Brown appears in appendix.]

The CHAIRMAN. Dr. Brown, I thank you very much. I am certain that your mother is looking upon these proceedings with great pleasure and much pride. She should be very proud of you, sir.

Mr. BROWN. Thank you.

The CHAIRMAN. For too long the relationship that existed between this Congress and the Interior Department has been a relationship of adversarial confrontation. And I think that is wrong, and your statement so indicates. I look forward to a new period, and the words that you have carefully used in your statement I think will bring much satisfaction and much relief in Indian country. I am certain I speak for all when I say that your promise to be an advocate is a breath of fresh air, and I am certain that on this day, throughout Indian land, they will be celebrating the fact that you will be their advocate.

Second, you used some words that are very sacred, the words, "trust responsibility." Those words in Indian country are just as great as the word sovereignty. And you have used those words, and with your commitment and promise I can see much improvement in our relationship. The other words, that you used were self-determination, a very important matter before us in this committee, and I am certain, equally important for the leaders and members in Indian country. So, all in all, this has been a day of great joy, I would think, in Indian country. And every effort will be made to speed you on to ultimate confirmation.

But before we do, I would like to call upon my vice chairman, and I would like to thank him for bringing to our attention the special and extraordinary talent and commitment of Dr. Brown.

Senator McCain.

Senator McCAIN. Thank you very much, Mr. Chairman. And I must say, I echo and appreciate the views that Dr. Brown stated in his comments that we're all appreciative of the leadership that you have provided this committee and your commitment to native Americans, of which I'm deeply grateful to have your leadership and friendship.

Dr. Brown, congratulations, or condolences—I'm not sure which is more appropriate. I also would like to echo the sentiment expressed by the chairman concerning the absolute importance of your role as an advocate. I am aware as you are that budgets are shrinking, monies are harder to come by for vital programs, and I urge you to recognize that you must be the advocate for these programs, those that need funding, and frankly, if there are those that don't need funding. And the fights within the administration, if the past history is any indicator of the future, will be bitter. They will take place between you and the Office of Management and Budget. But I would suggest that a great deal of your credibility, and thereby your effectiveness, will be decided by the perception in Indian country as to the degree of your advocacy for them and their programs.

So I wish you great success. I know that all Arizonans are proud of you today. And when your confirmation is completed on the floor of the Senate, which I have every confidence that it will be, I look forward to the opportunity of working with you.

I also would like your comments, again, on the crucial aspect of economic development. Chairman Inouye and I have traveled around this country and seen some tribes, which you mentioned in your statement, that have done well economically. But obviously, the overwhelming majority have not succeeded despite enormous expenditures and enormous efforts, both on the part of tribal leaders, Congress, and other administrations. And I would appreciate, perhaps, some more words as to how you prioritize that and perhaps how we can address the issues of economic development.

Mr. Brown. Senator McCain, let me say that there are two major initiatives in which Secretary Lujan as well as this administration have a great deal of interest. They are education and economic development. And I think in the truest sense, when you look at education you can begin to understand that education and economic development are also very closely tied together. And it is important that we understand that; as you begin to look at community and community development, you begin to see from a broader comprehensive view of what is needed in order to bring success to a community. Many times we immediately focus on economic development and we say, let's get a business on a reservation. And we forget, many times, the kind of planning that has to go into that type of effort, the type of infrastructure that must be there to support that kind of effort, and the type of work force that must be ready and prepared to go to work to support that effort.

I think it becomes important, also, to understand from my statement here today that the major thrust of economic development must be in the direct control of tribes. The Bureau of Indian Affairs' role then becomes one of supporting tribal efforts toward economic development. And there's much that we can do. We are involved very much in supporting law enforcement, roads, education. We are also involved in a number of other items where we can play, I think, some very large roles in supporting tribes. I think it becomes important, however, also that we have a closer communication with tribes by what we mean by economic development, and further defining that effort, and being clear as to what role, active role, the Bureau can play, and how we can closer support tribes in that effort.

You will see, under my administration, a major initiative in that regard as to how we can work closer with tribes in supporting that economic development.

Senator McCain. Thank you.

Mr. Chairman, I had questions for the record that were submitted by Senator Gorton, and also questions by Senator Graham of Florida, and Senator Mack, and Senator Pressler for Dr. Brown to answer. I'd like to have them included in the record.

The CHAIRMAN. Without objection.

[Questions from Senators Gorton, Graham, Mack, and Pressler appears in appendix.]

The CHAIRMAN. I would like to announce at this juncture that the record will be kept open until July 7, and those of you who wish to submit questions to the new Assistant Secretary, you may do so before July 7. And if you wish to make statements in support, or in some cases if you have any problems with this nomination, please feel free to submit them to this committee.

Do you have any questions, Senator Reid?

Senator REID. Thank you, Mr. Chairman.

You've talked a lot about self-determination. How would you assure that self-determination and self-sufficiency is accomplished by the tribes?

Mr. BROWN. I think it's important to go back to the three guiding principles that we talked about. One of tribal self-determination, the other of—well, just all three, the trust responsibility, and government-to-government relationships. But I think it's important that we recognize, again very strongly, that we're dealing with communities who have certain rights and privileges within the United States, recognizing that working closely in a supportive effort becomes the first principle or the direction that must be laid in that foundation.

The question then, becomes one of communication in our role as a trustee, and our role as a supporter, and making sure that that communication is clear and to the direction of tribes, understanding what resources we have to bear within the Department, and within the Bureau to support tribes. I think much of that has been lacking, much of that communication, much of that joint effort approach in planning has been lacking. It is my hope that through joint planning efforts to better communication, identifying those resources that we have, and then through some good dialog and discussion with tribes, determining where those resources are best put to bear to remedy the concerns and issues that tribes are experiencing.

Senator REID. Do you feel that the bureaucracy of the Bureau is too large and needs to be reduced?

Mr. BROWN. At this point in time it's difficult for me to say. Let me say this, however, that the Bureau of Indian Affairs is going through a transition. It is moving from one in which we have provided direct services, to one in which we are doing technical assistance and support. I think as we look at those functions, as we look at the implementation of the 638 amendment, and a number of others, it will give us a better gauge as to determine the size of the Bureau as related to its new and developing structure and function.

Senator REID. Do you realize that the Bureau only has a small part of this trust responsibility that we've talked about here, and that other agencies such as Indian Health Services, and Indian Health Service and Education also have trust responsibilities to the Indians? Do you realize that?

Mr. BROWN. Yes.

Senator REID. How do you propose to protect the governmental status of Indian tribes and their treaty or trust rights?

Mr. BROWN. I think, as I had stated in my comment, particularly in trust responsibility, that I will hold that trust responsibility at the highest fiduciary standards, and that I would also serve as an advocate in working with the other divisions within the Department, as well as other agencies throughout the Federal Government in addressing the needs, not only of the Bureau, but the needs and the efforts and resources that must be addressed in a coordinated effort, as you've indicated, that not only involve the Bureau, but Indian Health Service, HHS, and on and on.

Senator REID. That's all the questions I have, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator.

Senator Cochran, do you have any questions?

Senator COCHRAN. Mr. Chairman, I don't have any questions, but I do want to indicate my support for the confirmation of Dr. Eddie Brown to be Assistant Secretary for Indian Affairs of the Department of the Interior.

I'm impressed with his statement and his background and qualifications for this office and I look forward to working with him in this capacity and wish him all the best of luck.

Mr. BROWN. Thank you.

The CHAIRMAN. Thank you very much.

Dr. Brown, this morning I was privileged to participate in a very important conference, the National Conference Relating to the Youth of America and Education. Many statistics were cited, as we do whenever we speak of Indian country. I would like to leave one set of statistics here that was made very clear during that conference.

We speak of dropout rates and suicide rates, and diabetic rates, and health statistics, all of which are horrendous. But in the area of poverty, 43 percent of black youth live in poverty, 37 percent of Hispanic youth live in poverty, but in Indian country, 75 percent of Indian children live in poverty. Your task is a heavy one and we stand ready to cooperate with you. It is almost an impossible task, but the least we can do is to stop this trend, because it is getting worse, and to improve upon that. We cannot tolerate these statistics. These statistics are worse than anything we find in any developed countries. In fact, it is worse than some of the Third World countries. And it is a disgrace upon the United States. It is a disgrace upon the Congress of the United States and the administration.

So I stand ready to work with you to be able to change these statistics so that 10 years from now, when there is another conference, we can come forth and say it has improved, not 75, but maybe 30 percent. We can't change it overnight, but we will do our best.

We have every intention of reporting your nomination to the floor expeditiously, and hopefully have it confirmed by Friday. According to the staff, and according to my office, no objections have been heard from members of this committee, and no one has questioned the presence of a quorum here, and accordingly as Chair I recognize a presence of a quorum. Without objection, the nomination of Dr. Eddie F. Brown is approved and we will so notify the Senate of our approval. I have signed the document that will submit your nomination to the full Senate. It will be before the Senate this afternoon.

Congratulations, sir.

Mr. BROWN. Thank you very much.

The CHAIRMAN. With that, the meeting is adjourned.

[Whereupon, at 11:53 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

**STATEMENT OF HON. DANIEL K. INOUE, U.S. SENATOR FROM
HAWAII, CHAIRMAN, SELECT COMMITTEE ON INDIAN AFFAIRS**

GOOD MORNING. IT GIVES ME GREAT PLEASURE TO CALL THIS MEETING TO ORDER AND WELCOME ALL OF YOU TO THE CONFIRMATION HEARING OF THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS ON THE NOMINATION OF DR. EDDIE BROWN OF ARIZONA TO BE ASSISTANT SECRETARY OF INDIAN AFFAIRS FOR THE DEPARTMENT OF INTERIOR.

THE ASSISTANT SECRETARY FOR INDIAN AFFAIRS IS THE HIGHEST RANKING INDIAN AFFAIRS POSITION IN THE EXECUTIVE BRANCH. DR. BROWN WILL BE RESPONSIBLE FOR PROVIDING THE SECRETARY OF INTERIOR AND THE PRESIDENT OF THE UNITED STATES WITH POLICY RECOMMENDATIONS AND EXPERTISE IN FULFILLING THE ADMINISTRATION'S RESPONSIBILITIES TO THE INDIAN NATIONS, TRIBES, BANDS AND GROUPS. THIS IS A VERY SERIOUS RESPONSIBILITY AND DR. BROWN'S TERM OF OFFICE COMES AT A TIME WHEN THERE ARE SIGNIFICANT CHALLENGES AND GREAT OPPORTUNITIES IN THE FIELD OF INDIAN AFFAIRS.

I SHALL GLADLY DEFER TO MY ESTEEMED COLLEAGUES FROM THE STATE OF ARIZONA, THE COMMITTEE'S VICE CHAIRMAN, SENATOR JOHN MCCAIN, THE MOST SENIOR MEMBER OF THE MAJORITY, SENATOR DENNIS DeCONCINI, AND THE HONORABLE JOHN RHODES III, WHO REPRESENTS THE FIRST DISTRICT OF ARIZONA AND WHO IS ALSO CHAIRMAN OF THE REPUBLICAN TASK FORCE ON INDIAN AFFAIRS IN THE HOUSE, TO

INTRODUCE DR. BROWN AND PROVIDE FOR THE RECORD OF THE COMMITTEE PROCEEDINGS A SUMMARY OF HIS VERY IMPRESSIVE CREDENTIALS. WE SHALL ALSO BE DELIGHTED TO HEAR FROM THE HONORABLE ARCADIO GASTELUM, CHAIRMAN OF THE PASCUA YAQUI TRIBE OF WHICH DR. BROWN IS AN ENROLLED MEMBER. HOWEVER, BEFORE CALLING ON MY COLLEAGUES, I WOULD LIKE TO SAY THAT FROM MY MEETINGS WITH DR. BROWN, I AM MOST ENCOURAGED ABOUT THE FUTURE OF THE BUREAU OF INDIAN AFFAIRS, AND I AM CONVINCED THAT BY WORKING TOGETHER, WE WILL ENTER A NEW ERA OF COOPERATION AND ACCOMPLISHMENT IN FULFILLMENT OF THIS COUNTRY'S TRUST RESPONSIBILITIES TO THE INDIAN PEOPLE.

STATEMENT OF SENATOR JOHN MCCAIN
ON THE
NOMINATION OF EDDIE F. BROWN
TO BE THE
ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS

Mr. Chairman, it is a pleasure for me to appear before the committee this morning, along with my two Arizona colleagues, Senator DeConcini and Congressman Rhodes, to express my strong support for the President's nomination of Eddie Brown to be Assistant Secretary of the Interior for Indian Affairs.

Eddie Brown has exemplified himself as a strong and proven manager, a compassionate public servant and an individual of unquestioned integrity.

He served Arizona well as the director of the Department of Economic Security, an agency with 7,000 employees and an annual budget of over \$1 billion dollars. Eddie Brown was instrumental in promoting the use of intergovernmental agreements between the state and several of Arizona's twenty Indian tribes for administration of federal and state funds for programs which more effectively met the needs of Indian tribes. Not only was it more effective in the delivery of services, but it also recognized tribes on an equal basis with the state, which, to me, is a

strong signal of the importance he will place on the government to government relationship between the federal government and Indian tribes.

As you correctly noted in your opening statement, Mr. Chairman, the area of Indian affairs is filled with great problems but also with great opportunities. Those opportunities are best realized when the Congress, the BIA and the Tribes work together in a spirit of cooperation. In that regard, Eddie Brown earns high praise from state, local and tribal officials and private individuals for his ability to approach issues on a non-partisan basis.

Mr. Chairman, I want to thank you for scheduling this hearing. I, again, want to state my full support and total confidence in Eddie Brown. He has served Arizona well, and I know he will make an outstanding contribution as Assistant Secretary for Indian Affairs.

STATEMENT OF SENATOR FRANK H. MURKOWSKI

Mr. Chairman, Dr. Brown has a distinguished record of experience in both State and Federal service, as well as a member of a university faculty. I am pleased that President Bush has nominated him for the position of Assistant Secretary for Indian Affairs, and I am pleased to give his nomination my support.

To Dr. Brown, I have two comments to offer.

In our meeting last week, I was impressed at the knowledge you already have of issues relating to Alaska Natives. I want to call your attention, however, to an important additional source of information: this committee's hearings on the subject of Alaska Natives conducted in March and May of this year.

At these hearings, we heard representatives of Native organizations and villages, as well as from persons speaking as individuals. They told us of social and economic conditions among Natives, especially in the rural areas, and described a growing crisis in the Native population in the state. I intend to introduce legislation to create a special commission to address these issues, but, in the meantime, I will be furnishing you materials from those hearings.

My second comment also has to do with information about Alaska Natives. Each year in October, about 2,000 Eskimos, Indians, and Aleuts from throughout the state attend the annual meeting of the Alaska Federation of Natives. It will be held in Anchorage. This annual meeting is an instructive experience for all who attend, and it is my hope that your schedule will allow you to be among those are there.

Finally, let me commend you for your courage in accepting the nomination for a complex and difficult job.

TESTIMONY OF JOHN J. RHODES, III
BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
CONCERNING THE NOMINATION OF DR. EDDIE BROWN
AS ASSISTANT SECRETARY FOR INDIAN AFFAIRS
JUNE 20, 1989

It is with great pleasure that I appear before the Senate today in support of the nomination of Dr. Eddie Brown as Assistant Secretary for Indian Affairs within the Department of the Interior.

Once confirmed, Dr. Brown faces many difficult challenges in his capacity as head of the Bureau of Indian Affairs. This is no easy task since the subject matter of the programs under the Bureau's jurisdiction run the gamut from management of water, land and timber resources, to social welfare and law enforcement in Indian country, to financial management of trust resources.

There are several reasons why I believe that Dr. Brown is well suited to tackling the challenges presented in the Bureau. Dr. Brown worked in the Bureau's Central Office as head of the Division of Social Services and is familiar with both the assets and the liabilities of the agency. As Director of Arizona's Department of Economic Security (DES), Dr. Brown has experience dealing with the Bureau from the outside as well.

Dr. Brown's professional skills for management of a large executive department are well proven. DES is Arizona's largest executive agency employing over 7,000 people in over 125 offices, and managing over \$1.0 billion annually. During his tenure as Director of the Department of Economic Security in Arizona, he was praised for his ability to bring order to an unwieldy agency.

It is my hope that everyone will make a personal commitment to help Dr. Brown attain a measure of success in the difficult job he has agreed to undertake.

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PASCUA YAQUI TRIBE

TESTIMONY OF ARCADIO GASTELUM, TRIBAL CHAIRMAN
OF THE
PASCUA YAQUI TRIBE OF ARIZONA
FOR THE
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
CONFIRMATION HEARING OF DR. EDDIE F. BROWN
FOR
ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS
JUNE 20, 1989



1.

7474 S. CAMINO DE OESTE • TUCSON, ARIZONA 85746 • (602) 883-2838

1.

I WOULD LIKE TO BEGIN MY TESTIMONY BY THANKING SENATOR INOUE FOR HIS GRACIOUS INVITATION TO ME TO TESTIFY BEFORE THIS RESPECTED COMMITTEE. ON BEHALF OF THE PASCUA YAQUI TRIBE, I WISH TO COMMEND THIS SENATE SELECT COMMITTEE ON INDIAN AFFAIRS, AND IN PARTICULAR SENATOR INOUE AND OUR ARIZONA SENATORS DENNIS DECONCINI AND JOHN MCCAIN, FOR YOUR EFFORTS TO EXTEND JUSTICE AND PROMOTE OPPORTUNITIES FOR ALL INDIAN PEOPLE. WHILE WE MAY NOT BE IN AGREEMENT ON EVERY ISSUE, WE ARE CERTAINLY IN AGREEMENT ON THE PRINCIPLES WHICH THIS COMMITTEE UPHOLDS. THANK YOU FOR YOUR CONTINUING ADVOCACY AND ASSISTANCE.

CHAIRMAN INOUE, MEMBERS OF THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS, DR. BROWN, AND OTHER DISTINGUISHED GUESTS, AS CHAIRMAN OF THE PASCUA YAQUI TRIBE I AM HONORED AND PROUD TO HAVE THE OPPORTUNITY TO APPEAR BEFORE YOU AND TESTIFY IN SUPPORT OF THE APPOINTMENT OF DR. EDDIE F. BROWN TO THE POSITION OF ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS.

DR. BROWN ENJOYS THE SUPPORT OF THE PASCUA YAQUI TRIBE NOT ONLY BECAUSE HE IS A MEMBER OF OUR TRIBE BUT MORE IMPORTANTLY BECAUSE HE HAS EARNED OUR RESPECT AS A FAIR-MINDED, ACCOMPLISHED ADMINISTRATOR WHO IS SENSITIVE TO THE PROBLEMS AND DIFFICULTIES THAT TRIBAL GOVERNMENTS FACE IN ATTEMPTING TO PROVIDE ADEQUATE SERVICES TO OUR PEOPLE.

AS DIRECTOR OF THE ARIZONA DEPARTMENT OF ECONOMIC SECURITY, HE AS DEMONSTRATED HIS ABILITY TO DEVELOP EFFECTIVE INTERGOVERNMENTAL RELATIONSHIPS BETWEEN THE STATE OF ARIZONA AND TRIBAL ORGANIZATIONS. THE CHILD WELFARE INTERGOVERNMENTAL AGREEMENT WHICH HE CHAMPIONED IS A MODEL FOR OTHER FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES TO IMITATE. THIS NEGOTIATED AGREEMENT RECOGNIZES THE POLITICAL AND LEGAL STATUS OF TRIBAL GOVERNMENTS AND REFLECTS THAT ELEMENT OF RESPECT AND INTEGRITY THAT IS THE ESSENCE OF THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP WHICH TRIBES DEMAND AND ARE STRIVING TO ESTABLISH. AND, THE AGREEMENT ENGENDERS THAT SPIRIT OF COOPERATION BETWEEN INDIAN TRIBES AND THE FEDERAL GOVERNMENT THAT WAS ENVISIONED IN THE INDIAN SELF-DETERMINATION ACT AMENDMENTS THAT THIS COMMITTEE SO ACTIVELY SUPPORTED.

THE PASCUA YAQUI TRIBE APPLAUDS PRESIDENT BUSH'S NOMINATION OF DR. EDDIE BROWN FOR ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS NOT BECAUSE WE ANTICIPATE ANY SPECIAL FAVORS FROM OUR FELLOW TRIBAL MEMBER, IN FACT, HE HAS NEVER SHOWED US ANY SPECIAL TREATMENT IN THE PAST. OUR APPROVAL AND SUPPORT IS GIVEN BECAUSE WE KNOW THAT DR. EDDIE BROWN IS EMINENTLY QUALIFIED BY EDUCATION AND EXPERIENCE FOR THIS CHALLENGING POSITION.

WE KNOW THAT HE IS AN EFFECTIVE MANAGER WHO WILL ESTABLISH BUREAU POLICIES FOR FINANCIAL AND PROGRAM INFORMATION SHARING AND JOINT

2.

PLANNING PROCESSES WITH THE TRIBES TO ADDRESS OUR COMMON PROBLEMS.

WE'VE SEEN HIS ABILITY TO WORK WITH INDIAN TRIBES IN ARIZONA DEMONSTRATED AND WE WOULD LIKE TO SEE THAT PERSPECTIVE BROUGHT TO THE BUREAU OF INDIAN AFFAIRS. IT 'S LONG OVERDUE!

BUT IN ALL HONESTY I MUST TELL YOU THAT WHILE WE PRAISE THE ACCOMPLISHMENTS OF A FELLOW YAQUI AND URGE YOU TO APPROVE THE NOMINATION OF DR. EDDIE BROWN, WE ALSO OFFER OUR PRAYERS FOR HIM AS HE ACCEPTS THIS TREMENDOUS CHALLENGE AND RESPONSIBILITY.

WE ARE ALL TOO AWARE OF THE POVERTY, POLITICAL INSTABILITY, AND ECONOMIC STAGNATION THAT ENVELOPS MUCH OF INDIAN COUNTRY AND WE ARE ALL TOO AWARE THAT THE FINANCIAL RESOURCES AVAILABLE TO MEET THESE NEEDS ARE WHOLLY INADEQUATE.

LET ME ILLUSTRATE THIS POINT WITH AN EXAMPLE FROM MY TRIBE, THE PASCUA YAQUI OF ARIZONA. ALTHOUGH WE ARE AN INDIGENOUS PEOPLE WHO HAVE LIVED IN THE SONORAN DESERT FOR HUNDREDS OF YEARS, WE ARE A NEWLY FEDERALLY RECOGNIZED TRIBE, WITH BARELY TEN YEARS PASSING SINCE OUR RECOGNITION IN 1978. OUR EARLY YEARS AS A TRIBAL GOVERNMENT WERE POLITICALLY VOLATILE AND DISORGANIZED, WITH MANY SIMILARITIES TO THE EARLY GOVERNMENT OF THE UNITED STATES, AS WE STRUGGLED TO REACH A WORKING CONSENSUS AND ADOPT A TRIBAL CONSTITUTION.

NOW WE HAVE AN APPROVED TRIBAL CONSTITUTION AND OUR FIRST CONSTITUTIONALLY-ELECTED TRIBAL COUNCIL. AFTER A YEAR IN OFFICE WE HAVE ACHIEVED A MEASURE OF POLITICAL AND ADMINISTRATIVE STABILITY. NAGGING LAWSUITS HAVE BEEN RESOLVED, OUR TRIBAL COURT HAS BEEN REINSTATED, AND POLITICAL FACTIONALISM HAS BEEN SET ASIDE AS THE TRIBAL COUNCIL ENDEAVORS TO WORK TOGETHER AND WITH OTHER GOVERNMENTAL AGENCIES FOR THE BETTERMENT OF OUR YAQUI PEOPLE. WE ARE DEVELOPING A CAPABLE ADMINISTRATION THAT IS GUIDED BY ESTABLISHED POLICIES AND PROCEDURES. OUR BINGO HALL IS OPERATED UNDER A MANAGEMENT AGREEMENT THAT IS CONSISTENT WITH THE INDIAN GAMING REGULATORY ACT AND APPROVED BY THE BUREAU OF INDIAN AFFAIRS IS SCHEDULED TO OPEN NEXT MONTH AND WE ANTICIPATE SEVERAL NEW ECONOMIC DEVELOPMENT PROJECTS IN THE NEAR FUTURE.

WE SHOULD HAVE CAUSE FOR OPTIMISM, WE SHOULD BE ABLE TO SEE A BRIGHTER HORIZON, BUT WE ARE BEING OVERWHELMED WITH INCREASING DEMANDS FOR SERVICES WITH NO ADDITIONAL FUNDING TO MEET THESE INCREASING DEMANDS.

SINCE 1980 THE POPULATION OF THE RESERVATION HAS INCREASED FROM 715 TO 3,600 IN 1988, AN INCREASE OF OVER 500% IN LESS THAN TEN YEARS.

THE NEW RESERVATION RESIDENTS HAVE OFTEN BEEN LESS SKILLED AND LESS EDUCATED THAN OTHER YAQUI TRIBAL MEMBERS AND THIS SOCIO-ECONOMIC CHARACTERISTIC HAS BEEN REFLECTED IN A DISPROPORTIONATE INCREASE IN SERVICE DEMAND AND TRIBAL PROGRAM ACTIVITIES.

THE TRIBAL COURT HAS EXPERIENCED AN INCREASE OF OVER 300% IN ITS CASELOAD IN THE PAST YEAR AND ESTIMATES A SHORTFALL OF OVER \$300,00 IN NECESSARY FUNDING TO ADEQUATELY DISCHARGE ITS CONSTITUTIONAL RESPONSIBILITIES. THIS FINANCIAL CRISIS IN OUR COURTS WAS RECENTLY ADDRESSED IN EMERGENCY CONGRESSIONAL APPROPRIATION HEARINGS AND WE THANK YOU FOR YOUR CONCERN ON THIS ISSUE. THE GOALS, ACCOMPLISHMENTS AND FINANCIAL NEEDS OF THE PASCUA YAQUI TRIBAL COURT ARE DETAILED IN ATTACHMENT A. INCREASED FUNDING IS DESPERATELY NEEDED IF LAW AND ORDER IS TO BE MAINTAINED ON OUR RESERVATION.

THE TRIBAL SOCIAL SERVICES PROGRAM ANTICIPATES A SHORTFALL OF OVER \$100,00 THROUGH SEPTEMBER 30, 1989 JUST TO MEET ITS CURRENT OBLIGATIONS. THE FUNDING DILEMMA OF THIS VITALLY NECESSARY PROGRAM IS DESCRIBED IN ATTACHMENTS B, C, D, AND E. WITHOUT INCREASED FUNDING THE ADMINISTRATIVE CAPACITY OF THE PROGRAM IS IN DIRE JEOPARDY AND OVER 33% OF THE GENERAL ASSISTANCE NEED WILL GO UNMET.

THE TRIBAL HEALTH DEPARTMENT NEEDS MORE THAN \$100,000 ADDITIONAL FUNDING JUST TO MAINTAIN THE SAME SERVICE LEVEL AS IN PREVIOUS YEARS. THE TRIBE IS DESPERATELY SEEKING INCLUSION IN ANY EMERGENCY APPROPRIATION SOUGHT BY INDIAN HEALTH SERVICE THIS YEAR AND THE FUNDING PROBLEMS OF THIS PROGRAM GROW EXPONENTIALLY AS WE LOOK INTO THE FUTURE AS REFLECTED IN ATTACHMENT F. SEVERAL MEMBERS OF THE SENATE SELECT COMMITTEE WERE SENT COPIES OF MY LETTER TO DR. RHOADES I HOPE YOU CAN ASSIST US IN OUR EFFORT TO SECURE ADDITIONAL FUNDING.

THE SAME SAD PICTURE IS REFLECTED IN EACH OF OUR TRIBAL PROGRAMS:

THE PASCUA YAQUI FIRE DEPARTMENT, AN EXCELLENT PROGRAM, ESTIMATES A BUDGETARY SHORTFALL OF OVER \$50,000. (ATTACHMENT G.)

OUR ELDERLY SERVICES PROGRAM IS SERVING MORE CLIENTS WITH REDUCED FUNDING. A PROJECTED FUNDING SHORTFALL MAY REQUIRE THE TRIBE TO REDUCE SERVICES AND CUT STAFF.

IT WOULD BE BAD ENOUGH IF THIS WAS THE ONLY STRAIN ON PROGRAM FUNDING THAT WE WERE EXPERIENCING, BUT IT GETS WORSE: THE INITIAL TRIBAL MEMBERSHIP ROLL WAS ESTABLISHED IN 1980 AND IS THE BASIS OF THE FUNDING LEVELS PROVIDED BY FEDERAL AGENCIES, IN PARTICULAR, THE BUREAU OF INDIAN AFFAIRS AND INDIAN HEALTH SERVICE. DUE TO THE PROBLEMS ASSOCIATED WITH ADOPTING A TRIBAL CONSTITUTION AND AN ENROLLMENT ORDINANCE, NO DIRECT LINEAL DESCENDANTS HAVE BEEN ADDED

4.

TO THE TRIBAL ROLL SINCE THEN. YET THE TRIBAL ENROLLMENT PROGRAM IS UNDERFUNDED AND UNDERSTAFFED TO MEET THE WORKLOAD GENERATED BY THE ADDITION OF OUR DIRECT LINEAL DESCENDENTS. (ATTACHMENT H.)

TODAY WE HAVE APPROXIMATELY 5,024 TRIBAL MEMBERS BUT WE HAVE OVER 2,200 ENROLLMENT APPLICATIONS FROM ELIGIBLE LINEAL DESCENDENTS WAITING TO BE ADDED TO THE ROLLS. WITHIN A MONTH OR SO WE WILL INCREASE OUR TRIBAL POPULATION BY OVER 40% WITH NO INCREASE IN FUNDING THIS YEAR AND NO INCREASED FUNDING PROJECTED FOR NEXT YEAR. WE ARE TOLD BY THE BUREAU THAT THEY CAN'T SEEK FUNDING FOR OUR PROJECTED INCREASE IN TRIBAL MEMBERSHIP UNTIL THEY ARE ACTUALLY ON THE TRIBAL ROLL.

OUR TRIBAL HEALTH MAINTENANCE ORGANIZATION WHICH HAS BEEN A VERY SUCCESSFUL DEMONSTRATION HEALTH DELIVERY PROJECT, WILL BE SHORT OVER \$700,000 BY OUR ESTIMATES WHEN THE TRIBAL ROLL IS EXPANDED. AND THE PROJECTED INCREASES FOR 1990 COULD GO AS HIGH AS THREE MILLION DOLLARS. ONCE AGAIN, INDIAN HEALTH SERVICE INDICATES THAT THERE ARE NO INCREASED FUNDS PROJECTED TO MEET THESE ANTICIPATED NEEDS.

NOT ONLY DO THESE FUNDING SHORTFALLS STIFLE MY TRIBE'S SOCIAL DEVELOPMENT BUT IT ALSO HAS A NEGATIVE IMPACT ON THE TRIBE'S ECONOMIC DEVELOPMENT AS WELL. NO SOONER DOES AN ENTERPRISE EARN A PROFIT THEN PROGRAM DIRECTORS SEEK THOSE FUNDS FOR PROGRAM NEEDS AND THE TRIBAL GOVERNMENT IS HARD PRESSED TO SAY NO. THE TRIBE'S CAPACITY FOR A CAPITAL FORMATION AND THE POTENTIAL FOR FURTHER ECONOMIC DEVELOPMENT IS STYMIED AND STAGNATION SETS IN. ALREADY I HAVE PROGRAM DIRECTORS PLEADING FOR A SHARE OF OUR BINGO ENTERPRISE PROFITS TO MEET THEIR PROGRAM NEEDS AND WE HAVEN'T EVEN OPENED THE DOORS OF THE BINGO HALL FOR BUSINESS YET.

OUR TRIBE NEEDS OVER A 40% INCREASE IN BASE FUNDING JUST TO REMAIN AT THE SAME LEVEL OF SERVICE. WITH OUR BASE FUNDING AT APPROXIMATELY \$2.7 MILLION DOLLARS THIS MEANS WE NEED AN INCREASE OF \$1.08 MILLION JUST TO STAY EVEN. THERE IS NO WAY THAT OUR TRIBAL GOVERNMENT CAN ADDRESS THE SOCIAL DYNAMIC OF OUR DEMOGRAPHICS WITH A STATIC LEVEL OF FUNDING.

I'M SURE WE ARE NOT THE ONLY INDIAN TRIBE FACING THESE KINDS OF PROBLEMS. THE SPECIFIC DETAILS MAY BE DIFFERENT FOR EACH TRIBE BUT THE OVERALL CONDITION IS PROBABLY THE SAME. AND THIS IS THE AREA THAT THE NEXT ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS MUST ENTER AND MY PRAYERS GO WITH HIM.

IN CONCLUSION, I STRONGLY URGE YOU THE MEMBERS OF THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS TO APPROVE THE NOMINATION OF DR. EDDIE F. BROWN FOR THE POSITION OF ASSISTANT SECRETARY OF THE INTERIOR FOR INDIAN AFFAIRS. I URGE YOUR APPROVAL BECAUSE DR. BROWN IS A MAN OF INTEGRITY AND HONOR, AND, HE IS THE MOST CAPABLE PERSON FOR THE POSITION.

TO: Daniel K. Inouye, Chairman
United States Senate
Select Committee on Indian Affairs

FROM: Larry Kee Yazzie
Acting Chief Judge
Pascua Yaqui Tribe

DATE: June 15, 1989

RE: Goals, Accomplishments, and Financial Needs of the
Pascua Yaqui Tribal Judiciary

I. GOALS OF THE PASCUA YAQUI TRIBAL JUDICIARY

The judiciary of the Pascua Yaqui Tribe is committed to the establishment and maintenance of a judicial system equal in quality to that of its sister state systems. It is pledged to serve the Yaqui people in the most efficient and fair manner taking care to preserve the individual rights guaranteed by the Constitution of the Pascua Yaqui Tribe as well as applicable federal law. To this end, care has been taken to select judges with the proper education, experience, and training necessary to insure quality of service to the Yaqui people.

II. ACCOMPLISHMENTS OF THE PASCUA TRIBE AND ITS TRIBAL COURTS

On January 26, 1988 the Pascua Yaqui Tribe adopted a tribal Constitution which mandates the establishment of trial, juvenile, and appellate level courts. The same month, after a span of several months without tribal courts, the Pascua Yaqui Tribal Council appointed a Chief Judge to hear all matters requiring judicial action. By Tribal Council Resolutions in February of 1988 a trial level court, juvenile court, and court of appeals were formally instituted. In May of 1988 the juvenile court judge was appointed by the Pascua Yaqui Tribal Council as were the judges of the court of appeals in August of 1988. Tribal appellate procedures as well as a new juvenile code were passed by the Tribal Council on February 2, 1989 and are currently in place.

The courts of the Pascua Yaqui Tribal are courts of general jurisdiction that process the following types of cases:

1. Adult criminal and civil cases
2. Probate
3. Traffic
4. Juvenile/Child Welfare

ATTACHMENT A

III. FINANCIAL NEEDS OF THE PASCUA YAQUI JUDICIARY

A. Current Tribal Membership And Service Population

The current tribal membership of the Pascua Yaqui Tribe is 7,522. Of this number, 3,689 members live on the reservation. The Yaqui Juvenile Code extends tribal court jurisdiction to all Yaqui juveniles, not merely reservation residents. It is estimated that over 590 juveniles reside off-reservation in the nearby communities of Barrio Libre and Old Pascua. These off reservation juveniles constitute over 14% of the judiciary's current service population. The base number for service to members of the Pascua Yaqui Tribe totals 4,279 members.

B. Actual And Projected Increase Of The Service Population

Eighty (80) new homes are scheduled for immediate construction on the reservation with an average household occupancy of six (6) per household. There is currently a one year waiting list for reservation housing and all estimates indicate that they will be filled to capacity shortly after construction is completed. This represents an increase of 540 tribal members to be served by the Pascua Yaqui Judiciary in fiscal year 1990, a 13% increase over present levels of service.

These statistics do not take into account the significant number of cases involving civil jurisdiction over non-Indians that are processed by the Pascua Yaqui Judiciary. In addition, pending any United States Supreme Court decision to the contrary, the Tribal Court exercised both criminal and civil jurisdiction over the large and rapidly increasing number of Indians from other tribes who reside within the geographical boundaries of the reservation.

The case load for the Tribal Court has been growing exponentially. Fiscal year 1988 noted a 300% increase over the previous year's case load and it is estimated that fiscal year 1989 will demonstrate close to a 400% increase in the case load from previous year. Close to 300 new cases were filed during the first quarter of fiscal year 1989 alone.

C. Current Crises of Inadequate Finding

Despite the enormous increase in both the case load and service population, the Pascua Yaqui Tribal Judiciary experienced a 16% decrease in funds for fiscal year 1989 that has seriously impeded the ability of the court to provide competent judicial services. Criminal cases requiring more than informal adjustments are now at a stand still, at best, with many of these cases requiring dismissal because of the lack of a full time prosecutor, due process concerns such as the right to a speedy and public trial, and the basic inability of the court to operate within its own rules and Tribal statutes because of the serious budget constraints.

BIA Judicial Services conducted a review of the Yaqui Tribal Courts in December of 1988. In its report the BIA stated: "The court is operating on a very limited budget, not only insufficient to meet full staffing, but insufficient to keep it from purchasing basic operational items such as, case folders, tape recorder and tapes, and appropriate forms. It is operating well below its recommended funding level." The Pascua Yaqui Tribe is currently facing the prospect of attempting to operate its court system for fiscal year 1990 on 91,500.00 for the entire fiscal year, \$375,810.00 less than the minimum operational costs currently projected at \$467,310.00 for fiscal year 1990.

IV. CONCLUSION

The establishment of an adequately funded judicial services program is of urgent necessity if the mandates of the Pascua Yaqui Tribal Constitution are to be met and the civil rights of both Indians and non-Indians alike are to be assured. The Pascua Yaqui Tribe respectfully requests an increase in funding from the current \$91,500 to a modified budget of \$467,310.00 that more accurately reflects the increase of both the case load and service population. Only in this way will the sovereignty of the Pascua Yaqui Tribe and the continued maintenance of law and order on the reservation be preserved.



PASCUA YAQUI TRIBE



7474 S. CAMINO DE OESTE • TUCSON, ARIZONA 85746 • PHONE (602)883-2838

TO: Mr Ray Albert, Superintendent
FROM: Arcadio Gastelum, Chairman
BY: Jorge Garcia, *JG* Social Service Director
DATE: March 10, 1989
RE: Request For Additional Funds for Assistance Payment

The Pascua Yaqui Tribe Social Service Department will need an additional \$215,546 to meet its assistance payment obligations from April 1, thru September 30, 1989. Please refer to the attached budget and expense worksheet. The \$215,546 will be distributed as follows: \$120,698 for General Assistance; \$67,295 for child welfare; Adult Institutional Care \$25,000 and Miscellaneous \$2,553.

General Assistance

The General Assistance caseload grew dramatically during FY 88. The increase in the General Assistance caseload can be traced back to the third quarter of FY 87. The reason for the growth can be attributed to an increase in the population living within the service area, specifically Pascua Pueblo. The increase in the eligible population can be demonstrated in the decision of the Low Income Energy Assistance Administration to accept the number of households eligible for assistance to be 600 from 353 in FY 88. There are 612 homes on the reservation and the twelve which LIHEAP did not accept were the 12 elderly housing units that have no responsibility for the payment of utilities.

The growth in the General Assistance caseload crested in the first quarter of FY 89 and this past quarter we have not only had a stabilization of General Assistance cases but a small decrease in the General Assistance expense. It is estimated that the General monthly expense will stabilize in the range of 48-50K per month.

TWEP

Since the third quarter of FY 88 the Tribal Work Experience Program has been an aggressive and effective means of controlling General Assistance costs and finding employment for General Assistance recipients. In the last six months, approximately 8 TWEP participants have been hired either on a temporary basis or as a new hire within the departments in which they were placed.

ATTACHMENT B

The evolvement of the TWEP program has also required us, on a limited basis to terminate the head of household who is non-compliant with the TWEP assignment. Likewise, an estimated 60% of the General Assistance recipients (head of household) are not eligible for receipt of Employment and Training Services because they lack a High School or General Equivalency Diploma. To begin preparing the young adult to become self sufficient, all new General Assistance applicants under 30 years old are required to enroll in Adult Basic Education classes. The next planned sequential growth is monitoring attendance in these classes.

Adult Institutional Care

This Department has worked diligently to transfer the eligible expenditures to the State's Long Term Care plan which recently started up. The ANCCCS Administration has given the Tribe funds to pay for a half time Tribal Eligibility Assistance Worker to assist Tribal members with the ANCCCS application process.

Our present efforts are to assist the persons currently in a nursing home and if the individual is eligible, transfer the payment responsibility to ANCCCS.

Child Welfare

Child Welfare costs have increased dramatically because staff is available to provide protective services which on many occasions require substitute care.

In March 1987, seven children were in substitute care. In March 1988 four children were in substitute care. As of March 9, 1989, 29 children are in substitute care.

Likewise, transferring Jurisdiction of CPS cases to Tribal Court has increased the costs for this service.

At present, we are pursuing applying for Title IV-E Foster Care Payments for AFDC eligible children. It is estimated that approximately 60% of the present child welfare costs will be absorbed by this State administered program once programmatic requirements are met.

Summary

The growth of the service area population together with a consistent and competent staffing of the Social Service Department has contributed to a corresponding increase in Assistance payments. In order to continue to provide the present level of service required in the Assistance Payments (G/A, Child Welfare, Adult Institutional Care), the Pascua Yaqui Tribe requests an additional \$215,546 to meet the projected costs.

Because we have exceeded the budgeted amounts in both Child Welfare Services and Adult Institutional Care please advise us of whether or not to continue payments for 29 foster children and eight adults.

cc: Claudio Villalobos

PASCUA YAOUI TRIBE
SOCIAL SERVICE DEPARTMENT
ASSISTANCE PAYMENTS

Allocation, Expenditures, Estimated Need, and Projected Deficit

	(1) 9 month Appropriation (mod + 12)	(2) Budget at 12 months	(3) FY 88 Carryover	(4) Payments thru 3/31/89	(5) Estimated Need 4-1-89 to 9-30-89	(6) Total Need FY 89 (col 4 + col 5)	(7) Total \$ Available (col 2 + col 3)	(8) Projected Deficit (col 6 - col 7)
General Assistance	356,250	475,000	21,670	317,368 ¹	300,000	617,368	496,670	120,698
Child Welfare	37,500	50,000	10,863	53,158 ¹	75,000	128,158	60,863	67,295
TWEP	7,500	10,000	1,186	5,117 ²	6,069	11,186	11,186	-0-
Adult Institutional Care	18,750	25,000	-0-	28,785 ²	21,215	50,000	25,000	25,000
Miscellaneous	7,500	10,000	2,447	6,690 ²	8,310	15,000	12,447	2,553
Total	427,500	570,000	36,166	411,186	410,594	821,712	606,166	215,546

1. Expenses Incurred as of March 10, 1989.

2. Estimated Expenses thru March 31, 1989.



PASCUA YAQUI TRIBE



7474 S. CAMINO DE OESTE • TUCSON, ARIZONA 85746 • PHONE (602)883-2838

March 27, 1989

Mr. Ray Albert, Superintendent
Salt River Agency
Route 1, Box 117
Scottsdale, Az 85256

Dear Mr. Albert:

This is to formally request an increase of \$98,179 to the Administrative allocation for Social Services in FY 90.

This past year, the Social Service Department has managed to maintain its present staff level because of Administrative vacancy savings in the first 18 months of this three year period. Enclosed is a budget Draft, Budget Narrative and Justification for FY 90.

Please be advised that our Congressional Representatives will also receive the same information and personal appeals to support the requested increase in Administrative allocation.

I thank you in advance for your consideration of this request. Should additional information be required, please contact Jorge Garcia, Social Service Director at 883-2838 ext. 28.

Sincerely,

Arcadio Gastelum
Arcadio Gastelum
Chairman

rg

Enclosure

ATTACHMENT C

PASCUA YAQUI SOCIAL SERVICE

BUDGET FISCAL YEAR 1989-90

DRAFT 1

PERSONNEL

Director	\$31,200.00	
Social Worker II (M.S.W.)	21,528.00	
Social Worker I	18,113.00	
Social Worker I	15,000.00	
Social Worker I	15,000.00	
Eligibility Worker	13,000.00	
Eligibility Worker	10,000.00	
Word Processor Operator	11,841.00	
Receptionist	8,320.00	
		\$144,002
5% for Merit Increase		7,200
		\$151,202

FRINGE

20% of base salaries	\$30,241.00	
Supplies	4,500.00	
Telephone	2,400.00	
General Insurance	1,900.00	
Space Cost	4,646.00	
Utilities	2,400.00	
Equipment	1,500.00	
Maintenance Equipment	1,390.00	
Local Travel	6,000.00	
Training Conference	3,500.00	
		\$ 57,977
Total Direct Cost	209,179	

1

02/07/89

BUDGET NARRATIVEPERSONNEL

The budget proposes nine full time employees, of which four positions are in addition to current staff level. These new positions are: Two Social Worker I positions to provide on going case management to children in long term foster care; one Eligibility Worker and a Receptionist.

A. The staff is divided into three services: Administrative and Support (Director, Word Processor Operator and a Receptionist). The Receptionist position is needed because of the volume of Court reports required in Protective Services. One person can not perform both the Receptionist duties and the Word Processor responsibilities.

B. Family & Community Services (Social Worker II MSW) and two new positions for Social Worker I (BSW or equivalent). It is unfortunate that this much needed service array has been concentrated solely on Child Protective Services. However, with appropriate staffing of this service, the Department is in an improved position to protect and meet the needs of Indian children. The two additional Social Worker I positions are requested to enable this Department to provide a coordinated service for children in long term foster care. As of February 8, 1988, there are 87 children involving 53 family units who are in long term foster care homes. The Arizona Children Youth and Family Division (CPS) recommends a caseload of 20-25 families per on-going caseworker.

The Social Worker II (MSW), who has an active caseload of 35 cases involving children and is also responsible for receipt and investigation of new reports of suspected abuse/neglect is not able to provide services to the above identified long term caseload. Arizona Child Protective Services, recommends a caseload of sixteen new referrals per month for a similar position.

C. General Assistance (Social Worker I, and two Eligibility Workers, one of which is a new position). The Social Worker I is responsible for the Tribal Work Experience Program plus information, referral and limited advocacy for receipt of Community Services. The monthly General Assistance caseload averages 236 cases with 36 NEW applications for General Assistance on a monthly basis. BIA Social Services recommends a caseload of 100 per Eligibility Worker. The additional position, may permit the Department to more aggressively assist the GA recipient to increase his/her abilities to succeed in the employment market, i.e. Obtain GED, refer to training services which requires that eligible recipients have a GED for services, work search services, etc.

Community Need, Demographics and Support

Public Law 95-375 (September 18, 1978) defines the membership of the Pascua Yaqui Tribe as: a) The base membership of the Pascua Yaqui Tribe shall be all eligible persons listed on the base membership roll of the Pascua Yaqui Tribe dated September 18, 1980, which was approved by the Phoenix Area Director on December 1, 1983, and published in the Federal Register on May 17, 1984. and b) All children born to members listed in Section a who are at least one-quarter (1/4) degree Pascua Yaqui Indian Blood.

The Pascua Yaqui Tribal enrollment office identifies the base membership as 5,228. In addition, the Tribal enrollment office has identified 2,294 persons as direct lineal descendants as of January 31, 1989. By congressional definition, the Tribal membership totals 7,522.

The service area population for this proposal is 7,522 who are divided into two target areas: (a) persons living within Pima County and (b) persons living outside of Pima County. The primary service area is Pima County where an estimated 5,522 tribal members reside. Residents of Pima County are eligible to receive all services proposed herein. Residents outside of Pima County, estimated population 2,000, are eligible to receive service elements proposed in objectives 1 and 7.

Pima County Service Area

The Pima county service area is comprised of four politically identifiable and separate Pascua Yaqui Indian communities: New Pascua Pueblo, Old Pascua, Barrio Libre and Yoem Pueblo.

New Pascua Pueblo, is the designated reservation and is located in the Southwest quadrant of metropolitan Tucson. In September 1988, the Pascua Yaqui Head Start completed a needs assessment of the Pascua reservation. It estimates the population living on the reservation at 3,689. Approximately 1,892 are persons under the age of 18 (51% of the populations).

As a community, New Pascua has a blend of urban and rural characteristics. Although located close to a large city, Tucson, the reservation is surrounded by undeveloped land. Public transportation resources are minimal, requiring most residents to depend on the Health Department for medical transportation. Routine transportation from the reservation to the city is limited to the Tribes's fragile transit route that makes four daily roundtrips Monday - Friday: private vehicles, and an informal taxi system.

Of the 663 adults responding to the Head Start needs assessment survey, 420 reported to be unemployed, an estimated unemployment rate of 63%.

The 1986 Labor report published by the Bureau of Indian Affairs indicates that 85% of the persons living on the Reservation live at the poverty level or below. The average occupancy per household is six persons.

The Assistant Director for Native American Programs, for Tucson Unified School District, Ms. Octaviana Salazar, has indicated that the high dropout rate affecting Native Americans in the District is found mostly among the Yaqui students, the majority Indian population of Tucson. This rate is 30% annually. She also stated that the annual dropout figures do not reveal the extent of the true problem of dropouts. She cites a study of her own where Yaqui students entering a freshman class in District High Schools were tracked for four years. As she anticipated, of the original 100 students enrolled, only ten graduated indicating a true dropout rate of 90%.

Old Pascua, is located within the City of Tucson. The Enrollment Office estimates that approximately 560 enrolled Yaqui Indians reside in this area. Of these, an estimated 300 individuals are under the age of 18. Old Pascua as a community has a generational history of health, social and economic problems.

Old Pascua residents have access to public transportation and to community behavioral health services.

However, there are substantial cultural, language and motivational barriers affecting utilization of services.

Barrio Libre, located in the city of South Tucson, is an urban Yaqui Community of approximately 300 enrolled members. 200 of whom are under the age of 18.

Barrio Libre residents have access to public transportation and to community behavioral health services. However, again there are substantial cultural, language and motivational barriers affecting utilization of services.

Marana (Yoem Pueblo), is a small rural farming community located 35 miles northwest of the Pascua Yaqui Reservation. Approximately 175 enrolled Yaquis reside in a geographically and politically identified community. Distance has been a major isolating factor in the relationship between the Marana village and those communities located in and around Tucson. The unemployment rate is high and many of the jobs are seasonal because the community is dependent on the farming industry in that area.



PASCUA YAQUI TRIBE



7474 S. CAMINO DE OESTE • TUCSON, ARIZONA 85746 • PHONE (602)883-2838

TO: Arcadio Gastelum, Chairman
 FROM: Jorge Luis Garcia, Social Service Director
 DATE: May 2, 1989
 RE: FY 90 Personnel Recommendations

The 638 Social Service Contract requires the provision of the following services: General Assistance, including a Tribal Work Experience Program; services to Families, Children & Youth - where Child Protective Services, Homemaker, Nursing Home, Burial Assistance come under. Without question, the biggest services are those related to GA and Child Protective Services (Investigations, foster children, foster homes, etc.). Politically, the most important service is that of GA.

Two persons (Rosie Peña and Irma Valencia) work solely with GA. Ms. Peña is responsible for accepting, reviewing and deciding of all new applications. Approximately 36 new applications are processed each month - ninety percent of these are re-applications and not applications from new-families. Ms. Peña is also responsible for the reviews.

Ms. Valencia is responsible for working with the long term GA client reviews and the Tribal Work Experience Program. It should be noted that using BIA standards for GA caseload, including TWEP would require adding a third position.

Protective Services (Investigations, foster children, foster homes, adoptions) are the responsibility of three persons; Sandra Lee, Cecilia Valencia and this writer. Ms. Lee is responsible for investigating all new Protective Service referrals. Ms. Valencia is assigned the task of clarifying the status of the 101 foster children who were lost when both the Court and Social Service were not functioning as desired. While some of these cases have been closed, many children will remain under protective supervision of Social Service until the cases are resolved through relative adoption.

The burial, Homemaker and Nursing Home Services are provided by Marcelo Valencia - Mr. Valencia's position will not be supported by BIA beginning July 1st. His total salary will be paid through Title XX.

Two support personnel, Emilio Calz and Rosie Gutierrez are employed. Ms. Gutierrez is employed part time.

ATTACHMENT D

The Social Service personnel in this FY is financed by base funding plus vacancy savings of approximately \$50,000. Because next year's base funding remains at its present level, positions will need to be reduced September 30th. Needless to say, this department will not be able to provide the level of service we have provided this past year. The vacancy savings allowed that the department have a Child Welfare Worker and a long Term Foster Child Caseworker. These two positions are very much needed. Here are the Social Service positions this year and the proposed positions for FY 90.

FY 89

Social Service Director
Social Worker II (Child Welfare Worker)
Social Worker I (Long Term Foster Care)
Social Worker I (G.A.)
Eligibility Worker
Secretary
Receptionist

FY 90

Social Worker II (Child Welfare Worker)
Social Worker I (Long Term Foster Care)
Social Worker I (G.A.)
Eligibility Worker
Secretary

OPTIONS

The allocated Social Service base funding can support either the Director's position or both Child Welfare positions. It can not support both services. I recommend that the Tribe maintain the Child Welfare positions - services to foster children and child protective services have developed and progressed in the past 12 months. If the Tribe is going to give foster children any hope for the future, these services need to continue.

The Tribal Council may wish to consider any combination of personnel options that will allow the department to come within its budget. Here are just two:

1. Director position remains but in part time capacity. This means that the Tribe will not be able to evaluate protective services to new referrals. What you might have is a system that as a case is closed another one would open, but you will not be able to do the volume currently done.
2. The Director position remains full time. This requires that both the Social Worker II and Social Worker I position be deleted. This option would require the Department to not accept any future referrals for protective services.

To maintain the present staffing pattern, that in my estimation barely meets requested need, an additional \$45,000 is needed.

OPTIMISM

Additional funds will be generated by case management of foster children who are eligible for Title IV-E Foster Care payments. Unfortunately, the amount of the funds generated is unknown.

A second source of funds is AHCCCS Long Term Casemanagement. However, the amount of these funds is minimal (\$300.00 per month).

RECOMMENDATIONS

This writer recommends and has prepared next years (FY90) budget to reflect the staffing pattern proposed for FY 90. This recommendation also requires that Ms. Irma Valencia be designated as the Administrator for Social Services and that Ms. Sandra Lee be the Coordinator for Child Welfare Services. Ms. Valencia would assume responsibility for the direction of all Social Service functions with Ms. Lee having the clinical responsibility for Child Welfare Services.

As the amount of funds generated through Title IV-E AFCC-foster care payments becomes clearer, I will be in a position to make additional recommendations.



PASCUA YAQUI TRIBE



7474 S. CAMINO DE OESTE • TUCSON, ARIZONA 85746 • PHONE (602)883-2838

TO: Mr. Ray Albert, Superintendent

FROM: Arcadio Castelum, Chairman

BY: Jorge Garcia, Social Service Director

DATE: June 9, 1989

RE: Request for Additional Funds for Assistance Payment

The Pascua Yaqui Tribe Social Service Department will need an additional \$104,499 to meet its assistance payment obligations from June 1, thru September 30, 1989. Please refer to the attached budget and expense worksheet.

Please refer to our correspondence of March 10th and the Social Service Quarterly Report (January - March 1989) for justification of the additional need.

cc: Claudio Villalobos
Finance
File

ATTACHMENT E

PASCUA YAQUI TRIBE
SOCIAL SERVICE DEPARTMENT
ASSISTANCE PAYMENTS
Allocation, Expenditures, Estimated Need & Projected Deficit
Contract No. H50C14207081

	(1) Revised Budget (Mod. 16)	(2) FY 88 Carryover	(3) Payments thru 5/31/89	(4) Estimated 6/1/89 to 9/30/89	(5) Total Need (col 3 + col 4)	(6) Total & Available (col 1 + col 2)	(7) Projected Deficit (col 6 - col)
General Assistance	515,000	21,670	407,214	180,000	587,214	536,670	50,544
Child Welfare	105,000	10,863	86,001	78,000	164,001	115,863	48,138
TVEP	10,000	1,186	8,413	4,587	13,000	11,186	1,814
Adult Institutional Care	55,000	-0-	48,920	6,080	55,000	55,000	-0-
Miscellaneous	10,000	2,447	9,970	6,480	16,450	12,447	4,003
Total	695,000	36,166	560,518	275,147	835,665	731,166	104,499



PASCUA YAQUI TRIBE



7474 S. CAMINO DE OESTE • TUCSON, ARIZONA 85746 • PHONE (602)883-2838

June 12, 1989

Dr. Everett Rhoades
Park Lawn Building
5600 Fishers Lane
Room 6-05
Rockville, Maryland 20857

Dear Dr. Rhoades:

This letter is in response to June 9th's Hearing by the Senate Select Committee on Indian Affairs. Our Finance Director was in attendance at this Hearing when Senator Inouye asked if you could possibly come forward with a request for emergency appropriations by this week of June 12th. We do not want our needs left off of your request.

In FY 1989 we are short by \$75,000.000 to \$100,000.00 to keep services at the same level as FY 86 & 87. The Pascua Yaqui Health Program was funded for 1,000 people and now is serving 5,000. When IHS is asked how we can increase the base budget, we are told there is not any money available. We cannot figure how the budget was arrived at in the first place and certainly "RAM" and "SURAM" have not made a difference.

There have been small pots of "extra" money available in the past that was added to the contract but not the base. This money is no longer available, we are told. We are also told that we cannot change the base budget to reflect the increase in numbers and demand for services. We also have not been able to find out how the "base" was set and who set it, but only that the base cannot be changed.

The Pascua Yaqui HMO is also running into a shortfall. We are in the process of adding lineal descendants to the enrollment base. The Bureau of Indian Affairs has our request for enrollment additions in their office for approval. Once this is completed the HMO health contract will be \$700,000 to \$900,000 short. The HMO has been a very successful demonstration project of privatization. How will Yaqui health needs be met now?

The Yaqui Tribal people are poor. Most families live on less than \$5,000 per year. The Tribe has no resources and little economic development other than a Bingo parlor that is reopening. Over 80% of the Tribe lives below poverty level. We cannot buy health

ATTACHMENT F

Page two
Appropriation's letter
Dr. Everett Rhoades

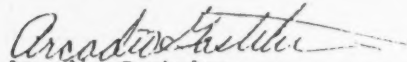
services. The Arizona Health Care Cost Containment System Program (AHCCCS) may not continue to serve reservation Indians if what has been reported in newspapers is to be believed. This will make the short fall on the HMO even greater.

This letter does not address the shortfall in the FY 1990-91 budget. Briefly, we estimate a shortfall of \$2,582,640.00 in the HMO. With the loss of AHCCCS services this could go as high as \$2,668,728.00. The Yaqui Health program will be short by a minimum of \$100,000.00.

Our clinic facilities also present a serious problem. The facilities used by the HMO on the reservation is small and crowded. It is also shared by the Tribal Health Department. There is room for only one Doctor to work at a time. Many people are triaged to the main clinic downtown. This is not cost effective or efficient! New facilities have been asked for and considered looked at by Indian Health Service. However, there was not enough money to construct even a temporary "butler" type building. We feel that we could, using local labor, put up such a building, at approximately \$100,000.00. If we went through normal government procurement channels this cost, we feel, would be four times that amount.

Please carry our needs forward within the context of your emergency appropriations request.

Respectfully,


Arcadio Gastelum
Chairman

cc: Senator Dennis Deconcini
Senator John McCain
Senator Morris Udall
Senator Daniel Inouye

STATEMENT OF
EDDIE F. BROWN
THE PRESIDENT'S NOMINEE
FOR ASSISTANT SECRETARY - INDIAN AFFAIRS
DEPARTMENT OF THE INTERIOR
BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
JUNE 20, 1989

Mr. Chairman, Mr. Vice Chairman, and Members of the Committee, my name is Eddie F. Brown. I am an enrolled member of the Pascua Yaqui Tribe.

I am deeply honored to have been nominated by President Bush and Secretary Lujan to the position of Assistant Secretary of the Interior for Indian Affairs.

President Bush and Secretary Lujan have expressed their commitment to making the ideals of tribal self-government and self-determination a reality. They have pledged to work cooperatively with Tribal governments to improve educational opportunities, promote economic development, and take other measures to enhance the quality of life in American Indian communities. I look forward to working with the President and Secretary Lujan as well as with employees of the Department of the Interior. I also look forward to working closely with the Congress, Tribal governments and other Federal agencies.

I have accepted this nomination with a profound sense of the challenges that lay ahead. Tribal governments are going through a period of dynamic and exciting change. They are developing more control over their resources. Tribes are engaging in important and successful economic development efforts. Indian people are making positive choices and are developing programs to address serious needs in their communities.

- 2 -

Tribal governments are making improvements in their constitutions that result in more stable government and more effective representation of Indian citizens. I believe that it is vitally important for the Federal government to recognize and support the economic, social and governmental initiatives of Indian governments and to improve the government to government relationship between the United States and the tribes.

At the same time, the Federal government is facing critical challenges. The hearings that were held by the Special Committee on Investigations have created a greater national awareness of the human and economic needs on Indian lands. The investigations and hearings have also demonstrated a greater need for more efficient and effective use of federal financial, staff and institutional resources on Indian lands.

I. PHILOSOPHY AND APPROACH TO INDIAN AFFAIRS

My nomination must be viewed in the perspective of these changes in Tribal governments and the heightened awareness of challenges which I am accepting. I would like to address these changes and challenges by stating my philosophy and approach to working with Tribal governments.

COMMITMENT TO SUPPORT TRIBAL GOVERNMENT

I believe that an essential role of the Department of the Interior is to support the positive efforts of Tribal governments. The commitment to support Tribal governments comes from the highest levels of the Administration, and must be clearly stated to all levels of the Bureau of Indian Affairs. This commitment requires that the Bureau recognize and identify the many important strides that tribes are taking in the areas of tribal community infrastructure, economic development, natural resource management and human services.

- 3 -

The Federal government must develop strong intergovernmental communication and working relationship with Tribal governments, based on tribally determined needs and directions. A strong commitment to working cooperatively with tribes will require close and regular communication with the field by the Assistant Secretary, particularly with Agency Superintendents and Area Directors. I am committed, not only to tribal participation in decision-making, but also decision-making at the levels closest to the tribes: the BIA Agencies and Area Offices.

GUIDING PRINCIPLES

In order to realize this commitment to supporting Tribal governments, I will be guided by the following principles:

(1) Tribal Self-Determination. I will fully support the policy of tribal self-determination by recognizing and supporting the many positive and successful efforts and directions of Tribal governments. I will support the continued effective and meaningful participation by Tribal governments in the planning, conduct and administration of Bureau of Indian Affairs programs and services. Furthermore, I believe that the recent amendments to the Indian Self-Determination Act are essential to enhanced tribal community and economic development efforts. The amendments were developed with the extraordinary participation of tribal leaders and now we must move forward with the spirit and intent of the legislation. I will do all that I can to expedite the implementation of the amendments.

(2) Government-to-Government Relationships with Indian Tribes. I will develop stronger intergovernmental relationships between the Federal government and Tribal governments. The relationships between the tribes and the Bureau will be based upon intergovernmental communication; mutual accountability in the areas of program operation and federal financial

- 4 -

resources; and joint planning for more effective and efficient utilization of federal staff and institutional resources on Indian lands.

(3) Trust Responsibility. I will provide leadership for the Department in fulfilling the Federal government's trust responsibilities to Indian tribes. The trust responsibilities must be exercised to the highest degree of fiduciary standards in securing and protecting the rights of Indian tribes and people. I will work to protect the resources and rights of Indian tribes that have been recognized by treaties, legislation and court decisions. Serving as an advocate for tribes, I will seek to promote a greater understanding by other Federal agencies of their trust responsibilities toward Indian tribes.

RECOGNIZING POSITIVE TRIBAL EFFORTS AND DIRECTIONS

Too often, Indian tribes are discussed in terms of overwhelming needs and failures. Indeed, there are many serious problems. However, it is essential to recognize that efforts to develop and improve tribal communities and economies can only be successful when they are directed and controlled by tribes themselves.

In the area of economic development, many tribes are successfully supporting economic ventures on Indian lands. These range from attracting manufacturing industries to encouraging grocery stores, retail stores and gas stations. We can point to many tribes such as the White Mountain Apache tribe in Arizona that has developed an outstanding ski recreation complex and a game and fish program that serves as a national model for natural resource management. We can look at the Mississippi Band of Choctaw Indians that has attracted manufacturing industries to tribal lands and has provided employment for tribal members.

In the area of natural resources management, a number of tribes with natural resources have developed comprehensive land use and natural resource planning and management systems. An example is the Confederated Salish and Kootenai Tribes of the Flathead Reservation in Montana. These tribes have established professional capabilities in the areas of wildlife management and land and realty functions.

In the area of human services, there have been many highly publicized cases of child abuse on Indian lands. What is not so apparent, however, are the responses of Tribal governments to these troubling problems. In Arizona, fifteen of the twenty Tribal governments have enacted mandatory child abuse and neglect reporting laws. A number of tribes have implemented specialized programs for child protective services. The tribes in Arizona have also organized a professional-level child protective services training academy that is equivalent to the State's child protective services academy. The tribal academy has already trained over 60 tribal social workers, court judges and law enforcement officers from throughout the West. the Inter-Tribal Council of Arizona, the State Department of Economic Security and the Arizona State University Graduate School of Social Work have a joint project to develop curricula for training child welfare workers to work in Indian communities. I am proud to say that as Director of the State's Department of Economic Security, I supported these Indian child welfare projects.

Another important trend among Tribal governments is the strengthening of tribal constitutions and institutions of government. A number of tribes are changing their constitutions to provide 4-year terms for elected officials, at-large election of the chief elected official and the separation of powers, all of which can contribute to more stable and

effective Tribal governments. Tribes are placing greater emphasis on professional qualifications for program staff and professional training for tribal court judges and law enforcement officials.

Tribal governments, like State and County governments, are continuing to evolve as governments. Like other governments, tribes have faced the challenges of fulfilling their jurisdictional responsibilities and providing services for their citizens. At the same time, tribes have been developing procedures for resource allocation, designing methods for citizen participation in decision-making, struggling with changes in their constitutions and implementing efficient management systems.

DEVELOPING CLEAR DIRECTIONS

Keeping these trends and guiding principles in mind, I will provide leadership in developing clear directions for the Bureau of Indian Affairs. The initial days of my administration will be spent in visiting and talking with elected Tribal government officials regarding their tribal directions and their recommendations for improving tribal and federal intergovernmental relationships. In this way, we can jointly set the future direction of Indian affairs for the years ahead.

I propose to establish cooperative tribal and federal planning processes which will be used to provide administrative direction for the Bureau. Strategic plans could be developed in such critical areas as education and economic development as well as trust responsibilities and natural resources management. We should note that local planning is not new to tribes. What is new here is cooperative planning involving both tribes and the Bureau.

In the process of developing better intergovernmental working relationships with Tribal governments, we need to recognize that we are working within a highly complex and ever-changing environment. All of the tribes have different needs and conditions. We cannot impose policies that will work the same in all cases. We need to be flexible and responsive to individual tribes.

II. MAJOR EMPHASIS AREAS

Having described my philosophy and approach to working with Tribal governments, I will now address five areas that will receive considerable emphasis under my administration. These areas are Indian education, economic development, tribal community infrastructure, trust responsibility and natural resources management and administrative accountability.

INDIAN EDUCATION

For President Bush and Secretary Lujan, education is a number one priority. In support of its critical importance, I will work towards further promoting effective schools, strengthening local control and accountability, and providing a special emphasis on literacy and employment. I will also support efforts to improve early childhood education, higher education and adult and vocational education opportunities. In so doing, greater cooperation with the Department of Education and public schools will be sought.

The Bureau's elementary and secondary school system must be made more accountable to Indian parents and communities. It is essential for Indian parents to have access to information regarding school budgets, school expenditures and aggregate test scores. With this information, parents can judge whether

Bureau schools are utilizing their resources wisely and educating their children effectively. Greater accountability to parents will foster improvements in school board representation, educational administration, classroom teaching and parent involvement.

Recruitment of capable teachers, better coordination of the Bureau's education system with the rest of the Bureau, and greater communication and cooperation between BIA schools and Tribal governments, particularly in the areas of child protective services and prevention of child abuse and substance abuse, will also be emphasized.

ECONOMIC DEVELOPMENT

Tribes themselves must control and direct economic development on Indian lands. The role of the Department of the Interior is to assist tribes in their economic development efforts and to ensure that trust resources are not alienated or degraded. I believe that the tribal economic development policy of the Department should be based on the following three goals:

(1) Federal resources should be redirected towards enabling tribes to effectively initiate, control and direct economic development on Indian lands. Tribes should be encouraged to conduct economic development planning, to attract industry, to enter into business ventures and to encourage local entrepreneurs. Recognizing that most tribal economic development opportunities are based upon development of land and natural resources, tribes must be given the support to conduct comprehensive land use and natural resources planning and management.

(2) Federal policies should result in tribes making maximum use of tribal financial resources for investment in economic development. Most tribes have independent sources of revenue from trust funds and tribal enterprises. Many tribes use their

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revenue from trust funds and enterprises to invest in economic development on Indian lands. However, many Tribal governments annually spend considerable amounts of tribal funds to subsidize indirect costs on self-determination contracts. The tribal dollars spent on subsidizing federal indirect costs represent economic opportunities that are lost to Indian communities. Tribal dollars and staff time would be much better spent on economic development projects.

(3) The Federal government must support Tribal governments in their efforts to attract private capital for Indian economic development. The Department can assist tribes to provide tax incentives for businesses to locate in Indian communities, to provide tailored training for tribal work forces, and to offer grants, direct loans and guaranteed loans to support start-up costs and working capital for new businesses.

SUPPORT FOR TRIBAL COMMUNITY INFRASTRUCTURE

The Department can help Tribal governments to create the conditions that are necessary for economic development by providing stable support for community infrastructure and services. The conditions that are necessary for economic development on Indian lands are the same as those necessary for any other community. These conditions include stable and effective law enforcement, courts, roads, utilities systems, housing, schools and human services. I believe that by more effective and efficient utilization of federal financial, staff and institutional resources we can support tribes in accomplishing this by reallocating these federal resources away from duplicative or ineffective activities.

Private investors and industrial developers will not be attracted to Indian communities where tribes cannot afford to provide public safety services and drug free environments. Businesses cannot thrive in conditions of poor roads and substandard housing and schools for their employees. The community infrastruc-

ture and services on Indian lands are largely funded by the tribe/Agency program of the Bureau of Indian Affairs. The Department can help tribes develop and maintain strong community infrastructures by stabilizing resources for the tribe/Agency program.

TRUST RESPONSIBILITIES AND NATURAL RESOURCES MANAGEMENT

The Department of the Interior must exercise its trust responsibilities for securing and protecting Indian rights and resources to the highest degree of fiduciary standards. I will also seek to upgrade the capability of the Bureau of Indian Affairs to meet its responsibilities through improved recruitment and retention of capable and professionally trained natural resources and trust protection officers. I will aggressively seek to apply the Department of the Interior's unique scientific and technological resources to enhance the management of tribal natural resources. And I will work with other Federal agencies to promote greater understanding of their trust responsibilities toward Indian tribes.

It is important to recognize that the Department must work cooperatively with tribes in order to effectively protect Indian lands, environmental values and natural resources. I hope to move toward greater cooperation between the Bureau and tribes. I recognize that Indian governments have an inherent responsibility for their tribal lands and natural resources. As I previously mentioned, a number of tribes are in the process of developing comprehensive asset management systems. The Bureau should support these tribal systems, and should assist other interested tribes to implement land and natural resource planning and management.

Land and natural resources form the basis for most tribal economic development opportunities. Too often, however, tribes

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are faced with making economic decisions without the support of adequate land and natural resource plans. Natural resources inventories and classifications and land use suitability studies and zoning ordinances will greatly improve the abilities of Tribal governments to respond to economic development opportunities. This approach would help ensure the maximum economic return to the tribes while preserving and protecting tribal renewable and cultural resources as well as their environment.

ADMINISTRATIVE ACCOUNTABILITY

Too often, reorganization is proposed as a panacea to all Indian affairs problems. The problem with reorganization proposals is that, coming from the top, they attempt to impose the same solution in all BIA areas, regardless of the needs and conditions of the tribes. Instead, I will propose cooperative planning for more effective and efficient use of federal resources. This planning will involve Tribal governments and BIA field offices on a local and regional basis.

The internal management functions of the Bureau of Indian Affairs need to be strengthened and made more efficient. In order to address internal management problems, I will assemble a management review team in the Assistant Secretary's office. This team will conduct internal audits of BIA programs and functions. This team will also continue the planning and development of a management information system that is field-user oriented and that is responsive to the management information needs of tribes and Agency superintendents.

III. CONCLUSION

In conclusion, I accept the nomination with the full awareness that this is a difficult and challenging time for Indian affairs. Tribal governments, as well as the Bureau, are going

through an important period of change. The hearings of the Special Committee on Investigations have identified serious concerns that must be addressed.

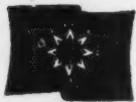
I have strong faith in the ability of tribal leaders to work cooperatively with the Department in developing solutions to these problems. In addition, I have met many conscientious, dedicated and capable Bureau of Indian Affairs employees, both in Washington, DC as well as in the field. My past association with the Bureau has led me to believe that Bureau of Indian Affairs employees can be most effective in their jobs when they are informed of policy decisions and when an environment is created that enables them to perform their duties. I plan to communicate closely with Bureau employees at all levels so that we can develop a team spirit and move ahead with a common purpose.

I am also very encouraged by the leadership in the field of Indian Affairs that has been provided by Chairman Daniel Inouye. Senator Inouye is to be commended for his vigorous dedication to improving federal policies towards tribes and for his efforts to educate the American public about the federal obligation towards Indians. I believe that Senator Inouye's nonpartisan approach serves as a model for cooperation in addressing Indian needs.

Given my experience in State and Federal government, I believe that this nonpartisan approach is most effective.

If confirmed by the Senate, I will work closely with President Bush, Secretary Lujan and the Congress, as well as with Tribal government officials, to carry forward the commitment to making the ideals of tribal self-government and self-determination a reality.

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Oglala Sioux Tribe

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STATEMENT OF PAUL IRON CLOUD
PRESIDENT OF THE OGLALA SIOUX TRIBE
IN HEARING OF THE SELECT COMMITTEE ON INDIAN
AFFAIRS ON THE CONFIRMATION OF DR. ED BROWN
TO THE POSITION OF ASSISTANT SECRETARY FOR
INDIAN AFFAIRS IN THE UNITED STATES
DEPARTMENT OF THE INTERIOR
U.S. SENATE, WASHINGTON, D.C., JUNE 20, 1989

Mr. Chairman & Members of the Committee:

I am Paul Iron Cloud, President of the Oglala Sioux Tribe on the Pine Ridge Indian Reservation in South Dakota.

I am submitting this testimony in support of the confirmation of Dr. Ed Brown to the position of Assistant Secretary for Indian Affairs. From what I have seen of his qualifications, and from what I have heard from him personally, I am confident that he can do a very good job. I am impressed with his background and his credentials.

We Lakotas are always hopeful that new leaders in Washington will do a good job in their trust responsibility to our tribal governments. But you know, Mr. Chairman, that this has not often been the case. We have too often been disappointed that reforms and improvements have not taken place as we had hoped. It has too often been our experience that things are no better at the departure of an Assistant Secretary for Indian Affairs than when that person came into office.

It is for that reason that we offer this testimony in confirmation hearings such as this. It is not merely to praise a nominee who aspires to this important office, but also to express our hopes and our expectations of his tenure. And it is to give him good advice from us people who have seen many good Indian appointees who have gone down to failure because they listened only to bureaucrats and Washington insiders who have a vested interest in the status quo.

We see the Assistant Secretary for Indian Affairs as the principal federal agent in the sacred trust relationship between the U.S. Government and the Indian nations. As such, we see him as the protector of Indian rights and our



tribal resources. We have every right to expect the highest fiduciary performance from that person, for there is no greater responsibility than that of trust.

And if we can feel secure in that trust protection, then we can feel confident to pursue our goals of economic self-sufficiency and tribal self-determination.

Mr. Chairman, all tribal leaders on Indian reservations view economic development as the most important priority in Indian Country today. After all, we are out on the reservations among the people, and we see every day the effects of massive unemployment. We see the poverty and hopelessness destroy our people. And we know that the only answer to that problem lies in the responsible development of our human and natural resources.

We are encouraged to see that Dr. Brown has valuable experience in economic development. We are impressed that he has managed the development department of a large and progressive state -- Arizona. We are proud that an Indian person has achieved that high office in a state government, and we are hopeful that he will use his knowledge and experience to institute the reforms in the federal bureaucracy, and to help establish much-needed new programs for reservation economic development.

The framework is in place for a good bi-lateral effort between Congress and the Administration to achieve great strides in Indian economic development assistance programs. There have been important national studies over the past eight years, including the Presidential Commission on Indian Reservation Economies. There have been some important legislative bills resulting from the findings and recommendations of those important studies. These bills include the Indian Enterprise Zone bill and the American Indian Development Finance Institution bill. Those bills hold great promise for the economies of Indian tribes.

But, I am reminded here of what was once said by a wise Indian elder: "I have heard the thunder..and I have seen the lightning many times...but I have yet to feel the rain." We in Indian Country are waiting for those good bipartisan initiatives that have been put together by this Committee in cooperation with your colleagues in the House of Representatives. We are hopeful that Dr. Brown will champion those same initiatives in the Executive Branch, and that he will be successful.

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And, finally, I would like to say a word about LEADERSHIP among Indian people. These days, we do not look to the leader of the Bureau of Indian Affairs as our "Great White Father" in Washington. Instead, we would like to view him as a trusted Indian brother. We would like to see him as a champion of Indian tribes -- a protector of tribal government rights, and of our Indian lands and resources.

But, most importantly, we would like for him to see himself as an Indian leader, and a partner in the future of Indian Country. We look to him as an Indian leader, and that is the way he should look at himself. If he is going to be merely an administrator, then he should know that our expectations cannot be great. We have seen administrators come and go, and they have left no mark on a system that continues to fail the Indian tribes.

But if he will act like an Indian leader and communicate with the tribes and their elected leaders, he will be successful. He must know that only with the support and cooperation of the tribes will he be successful. We are hopeful that Dr. Brown will come out to the reservations often and see our potential as well as our problems, and that he will listen to what we say. He will get the answers that he needs.

And we hope that he will be courageous and strong in making those decisions that are beneficial to the tribes and not only the bureaucracy. His tenure will not outlast the bureaucracy, but his good work for the tribes will give him immortality in the hearts of the Indian people.

We are in full support of Dr. Brown's confirmation, and we pray for his success. He is a good man, and we want him to know that if he will work to inspire the tribes and get them behind him, he will go a long way toward helping us solve our problems.

Thank you.

STATEMENT OF
UNITED STATES SENATOR LARRY PRESSLER
BEFORE THE
U.S. SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
JUNE 20, 1989

Mr. Chairman, thank you for allowing me this opportunity to participate in the confirmation hearing of Dr. Eddie Brown. His strong background leads me to believe he will be an outstanding Assistant Secretary of Indian Affairs at the Department of Interior.

Though I am not a member of this committee, I take an active interest in Native American issues and the role of the BIA. I am here today because of my concern about an urgent Indian education need in South Dakota.

The Red Scaffold school on the Cheyenne River Sioux Reservation is scheduled to close on July 1. The closing came about because of the construction of a new consolidated elementary school. Unfortunately, the needs of students attending high school at Red Scaffold were overlooked.

I am working with tribal leaders to keep Red Scaffold's high school open or to make room for the high school students at the new consolidated school, known as Takini (the Western Cheyenne School).

The BIA is reluctant to provide the funding necessary to give the Red Scaffold high schoolers a reasonable educational opportunity. The alternative, busing students many miles away for classes, would lead to a higher dropout rate, which is unacceptable.

I would appreciate Dr. Brown addressing this important issue during his testimony here today. Is it possible for you to give me a complete report on the status of the Red Scaffold School within the next two weeks? In addition, Mr. Chairman, I would like to submit through the Committee some written questions for Dr. Brown.

Thank you again, Mr. Chairman, for giving me some time to raise this important issue.

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

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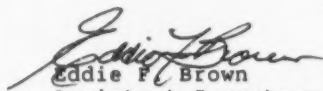
Honorable Daniel K. Inouye
Chairman, Select Committee on
Indian Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find my responses to questions for the record submitted by Senator Slade Gorton following my confirmation hearing on June 20.

If I can be of further assistance, please let me know. I look forward to working with you and your colleagues in the coming months.

Sincerely,



Eddie F. Brown
Assistant Secretary-Designate
for Indian Affairs

Enclosures

cc: Honorable John McCain, Vice Chairman
Select Committee on Indian Affairs
United States Senate

1. How would you assure that self-determination and self-sufficiency is accomplished by the tribes?

I will assure that tribal self-determination is accomplished by recognizing and strongly supporting tribally determined needs and directions. I will do this by including Tribal governments in the planning and implementation of the Bureau of Indian Affairs programs. I will expedite the implementation of the Amendments to the Indian Self-Determination and Education Assistance Act by identifying those portions of the Act that can be implemented before regulations are promulgated.

I will support tribal self-sufficiency by directing federal resources towards enabling tribes to effectively initiate, control and direct economic development on their lands. The Department of the Interior is committed to helping Tribal governments to create the conditions that are necessary for economic development by providing stable support for community infrastructure and services.

2. Do you believe the Bureau of Indian Affairs should work with the tribes in the prioritizing, planning, and development of all BIA programs, activities, services, and their accompanying regulations?

If so, do you realize this would be a significant change from previous Bureau attitudes?

How would you propose to change the Bureau's attitude?

As I have indicated in my confirmation statement, I am committed, not only to tribal participation in decision-making, but also decision-making at the levels closest to the tribes: the BIA agencies and area offices. I will be establishing cooperative tribal and federal planning processes which will be used to provide administrative directions for the Bureau. Local planning is not new. What is new here is cooperative planning involving both tribes and the Bureau.

My past association with the Bureau has led me to believe that Bureau of Indian Affairs employees can be most effective in their jobs when they are informed of policy decisions and when an environment is created that enables them to perform their duties. I plan to communicate closely with Bureau employees at all levels so we can develop a team spirit and move ahead with a common purpose.

3. How do you propose to protect the governmental status of Indian tribes and their treaty or trust rights?

I intend to protect the governmental status of Indian tribes by supporting the positive efforts of Tribal governments. The commitment to support Tribal governments comes from the highest levels of the Administration, and will be clearly stated to all levels of the Bureau of Indian Affairs. This commitment requires that the Bureau recognize and identify the many important strides that tribes are taking in the areas of tribal community infrastructure, economic development, natural resource management and human services. I am committed to the development of strong intergovernmental communication and working relationships with Tribal governments, based on tribally determined needs and directions.

In order to protect the treaty or trust rights of Indian tribes, I will provide leadership for the Department of the Interior to fulfill its trust responsibilities to Indian tribes and Indian individuals. I will work to protect Indian trust resources and rights that have been recognized by treaties, legislation, and court decisions. I will also work to promote a greater understanding by other federal agencies of their trust responsibilities to Indian tribes. In addition, I will also be a strong advocate for tribes when dealing with non-federal interests.

4. How do you feel the trust responsibilities of the U.S. government should be conducted?

Do you realize that the Bureau only has a small part of this trust responsibility and that other agencies such as Indian Health Service and Education also have trust responsibilities to Indians?

How do you propose to coordinate and cooperate with these agencies to help Indians?

I believe that the trust responsibilities of the U.S. government should be conducted at the highest degree of fiduciary standards in securing and protecting the rights of Indian tribes and people.

I am committed to working with other federal agencies to assist them in their efforts to understand and work with tribal governments.

I intend to be an advocate for Indian tribes by promoting a greater understanding by other federal agencies of their responsibilities to Indian tribes, including the need to deal with tribes on an intergovernmental basis. I will foster close communication and joint program planning and evaluation by the Bureau of Indian Affairs, Indian Health Service, Department of Education, and other federal agencies serving tribes in order to maximize the benefits and effectiveness of the programs being delivered.

5. How do you propose to protect all treaty/trust resources, tribal sovereignty and the general welfare of Indian people?

I plan to protect treaty/trust resources, tribal sovereignty and the general welfare of Indian people by working to assure that the Federal government resolutely and effectively carries out its stated responsibilities to Indian tribes and individual Indians.

6. Do you feel that the bureaucracy of the Bureau is too large and needs to be reduced?

If so, why? And, how do you propose to reorganize the agency to better serve Indian people?

What is your plan for this reorganization initiative?

It is too soon for me to be able to judge the staffing needs of the Bureau or how it might be reorganized to be more effective and efficient. However, it is clear that as tribes assume more and more of the Bureau's

-3-

program and service delivery functions, the most significant role of the Bureau is changing from that of a direct provider of services and benefits to that of a provider of technical assistance and support to Tribal governments. I want to assure that any changes in the Bureau's structure and staffing will support its role and functions and will be the result of joint planning between the Bureau and Tribal governments.

7. What are your priorities of issues or situations that you feel have to be made in the best interest of Indian tribes or people?

I have assumed the Assistant Secretary's position in the midst of (1) the implementation of the Indian Self-Determination and Education Assistance act amendments, (2) the preparation of the President's FY 1991 budget, (3) Congressional action on the FY 1990 Department of the Interior and related Agencies Appropriations Bill, (4) Congressional consideration of several important legislative proposals and (5) the preparation of a report by the Senate Select Committee resulting from its investigation of Indian affairs. In addition, I intend to develop my immediate staff and key Bureau officials into a strong management team. I also intend to develop a joint planning process between the Bureau and tribes. Because of their timing and importance, each of these processes will be provided a high priority.

8. What do you feel are the obstacles that would prevent you from accomplishing your objectives?

How do you propose removing these obstacles?

I do not foresee obstacles that would prevent me from accomplishing my objectives.

FILE CC

Department of the Interior
18th and C Streets, N.W.
Washington, D.C. 20240

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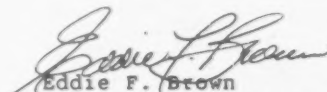
Honorable Daniel K. Inouye
Chairman, Select Committee on
Indian Affairs
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed please find my responses to questions for the record submitted by Senators Mack, Graham, and Pressler following my confirmation hearing on June 20.

If I can be of further assistance, please let me know. I look forward to working with you and your colleagues in the coming months.

Sincerely,


Eddie F. Brown
Assistant Secretary-Designate
for Indian Affairs

Enclosures

cc: Honorable John McCain, Vice Chairman
Select Committee on Indian Affairs
United States Senate

FILE 66

Responses of Eddie F. Brown to questions submitted
jointly by Senator Graham and Senator Mack

1. Q. "Mr. Brown, are you aware that the Florida State legislature recently amended state law to extend full authority to Seminole and Miccosukee tribal police to arrest non-Indians off the reservation and that this is intended to enhance cooperative efforts between law and order jurisdictions on the war on drugs?"

A. I am advised that the amendment to Florida law authorizes the tribal police to enforce state traffic laws off reservation.

2. Q. "Mr. Brown, are you aware that on June 18, 1989 a serious motor vehicle accident occurred on Alligator Alley which resulted in six fatalities and also started a large fire which is out of control and threatens life and property? This unfortunate incident is an illustration of the need for on-site police coverage because the authorities were unable to respond in a timely manner."

A. I am advised that based on information provided by the Miccosukee Police Department, the accident occurred (off the reservation) about eight miles from the junction of Snake Road and Interstate 75. The accident is a tragedy but I understand that the emergency response available would not have changed the result because the vehicles literally melted in a matter of minutes.

3. Q. "Are you aware that since this reservation was placed in trust in 1982 no funding or other assistance for law enforcement on that reservation has been provided to the Miccosukee Tribe by the Bureau of Indian Affairs."

A. I am advised that the BIA now provides some \$420,000 to the Miccosukee Tribe under a law enforcement contract. The Tribe is requesting an increase of \$398,000. The Tribe's Police Department indicates that services have been provided under the contract to the "Alligator Alley Reservation." The 1982 Act (see 25 U.S.C. 1745(b)) refers to the 189,000 acres provided to the tribe under a Lease Agreement with the tribe "shall be treated as if such lands constituted a federally recognized Indian reservation solely for purposes of determining eligibility of the Miccosukee Tribe and its members for any Federal * * * law enforcement over Indians * * * or any other similar program for which Indians are eligible because of their status as Indians and of their residence on an Indian reservation." Based on the resident population of the Tribe on reservation lands, the Tribe is receiving over \$700 per capita under the BIA law enforcement contract. I am informed that that is considerably more than the average provided for reservation law enforcement.

4. Q. "Are you aware that the Miccosukee request for law and Order funding in Alligator Alley is supported by the local Sheriff's Department and the State highway patrol?"

A. I am delighted at such reports of community support.

5. Q. "Do you think that tribal Law and Order Departments should work cooperatively with state and other federal authorities to combat the drug problem in Florida? If so, what is your view on the lack of police coverage at the Alligator Alley Reservation?"

A. I fully support tribal governments working with state and other local governments as well as with Federal agencies. Such cooperative efforts are especially necessary in situations such as that indicated in the Miccosukee law enforcement program where the vast majority of cases the tribal police deal with are violations of state law for which state and local agencies have the primary responsibility for enforcement. While we should support cooperative law enforcement efforts, we must be careful that Bureau of Indian Affairs funds that are provided for law enforcement are not utilized to relieve the state and its subdivisions of their responsibilities.

6. Q. "In the absence of police coverage at Alligator Alley, do you think it is possible that the Alligator Alley could become a site of illegal drug activity? Are you aware that lack of police protection has hampered efforts to utilize the Alligator Alley for economic development?"

A. Unfortunately no neighborhood these times is free from the threat of drug activity but would hope that through cooperative law enforcement efforts, this area can stay drug free. I am not yet familiar with the area economic development efforts being hampered. As you suggest, cooperative law enforcement activities are important not only for control of illegal drug activity but also for providing a favorable climate for economic development.

7. Q. "Mr. Brown, the Miccosukee Tribe asserts that it has an obligation to provide police protection to the camp site lessors at Alligator Alley. They also believe that development of the area is contingent upon having police protection to overcome the current factors of rural isolation and the threat of drug activity. What are your views on the Tribe's position?"

A. State, local, and tribal officials working together can provide needed police protection for this area. As you have suggested, and I certainly agree, such protection is necessary to provide a favorable climate for economic development areas, particularly in rural areas.

8. Q. "What is the rationale for the BIA's decision to deny the Miccosukee Tribe's request for Law and Order funding to establish a substation at Alligator Alley?"

A. I am informed that the BIA's decision was based on a comparison of funding now provided to the Miccosukee Tribe with that provided to other tribal law enforcement programs.

Questions from Senator Pressler

Question:

The Red Scaffold School is responsible for insurance coverage for teachers through August 1989. I have been informed that the BIA will not be able to meet its obligation. Is the BIA aware of the school's obligation? If so, why has the necessary funding been held back?

Answer:

I am advised by the Bureau that it is aware of the school's obligation for insurance coverage and adequate funds in the amount of \$56,300 were transmitted for inclusion in the school's grant on June 20, 1989.

Question:

In 1986, the BIA approved the expansion of the Red Scaffold School to include a high school because of the feared drop-out rate among the students who would have to travel 70-300 miles to attend classes. The tribe and parents favor retaining the high school permanently at Red Scaffold.

What is the BIA's position on maintaining a high school at Red Scaffold? Under what conditions would you support keeping Red Scaffold open?

Answer:

The FY 1989 Department of the Interior appropriation act directed the Bureau to close the Cherry Creek, Bridger, and Red Scaffold Schools and consolidate the schools programs at the new school. I understand that the Bureau has agreed to allow the Red Scaffold High School students to attend the new Takini school.

Question:

Recently, the BIA Education Department has proposed sending the Red Scaffold high school students (58-90 students) to the new Takini School rather than require them to attend boarding schools.

Why wasn't the Takini school originally built for grades K-12? If the total number of displaced students is more than 58, is the Takini school capable of housing them?

Answer:

The Bureau advises me that the Takini School was not originally built for grades 10-12, because at the time of design for the school grades 10-12 did not exist at the Red Scaffold School. The Takini School can accommodate approximately 20 more high school students beyond the current 58 high school students.

Question:

The construction of the road to the Takini school is supposed to cost over one million dollars. What were the reasons for locating the Takini School where it is presently built? Was the issue of transportation ever a consideration?

Answer:

I am advised that the three school boards and communities felt that the site of the new school should be equally distant from the three communities. The present site was supported by the three school boards and the Cheyenne River Sioux Tribe. Transportation was considered in the decision to locate the facility at the present site. The new road between the new school and Red Scaffold was a part of a transportation improvement plan of the tribe before the consolidated school was proposed.

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